SOUTH DAKOTA.

Edgar M. Bentley to be postmaster at Colman, S. Dak. Office became presidential October 1, 1910.

Charles F. Hackett to be postmaster at Parker, S. Dak., in place of John D. Cotton. Incumbent's commission expired May 7, 1906.

George W. Kingsley to be postmaster at Northville, S. Dak. Office became presidential October 1, 1910.

Elva D. Kirkpatrick to be postmaster at Letcher, S. Dak., in place of Theophilus N. Kirkpatrick, deceased.

James W. Post to be postmaster at Rapid City, S. Dak., in place of Virgil T. Price, deceased.

Clarence E. Talbott to be postmaster at Lamro, S. Dak. Office became presidential July 1, 1910.

Frederick M. Webb to be postmaster at Hitchcock, S. Dak. Office became presidential October 1, 1910.

TENNESSEE.

S. D. Davis to be postmaster at Cookeville, Tenn., in place of Charles H. Whitney, resigned.

James A. Greer to be postmaster at Loudon, Tenn., in place of William J. Wells. Incumbent's commission expires December 10, 1910.

Allen D. Keller to be postmaster at Union City, Tenn., in place of George T. Taylor, removed.

W. S. Latta to be postmaster at Somerville, Tenn., in place of John D. McCarley. Incumbent's commission expired January 19, 1907.

A. V. McLane to be postmaster at Lewisburg, Tenn., in place of Robert H. Hayes. Incumbent's commission expired December 16, 1909.

Zeph Roby to be postmaster at Erin, Tenn., in place of Zeph Roby. Incumbent's commission expired March 21, 1910.

William Henry Shelley to be postmaster at Decherd, Tenn. Office became presidential January 1, 1908.

TEXAS.

Vidal Garcia to be postmaster at San Diego, Tex., in place of Elisa P. Stockwell, name changed by marriage.

Owen Heyer to be postmaster at Weimar, Tex., in place of Edmund F. Seydler. Incumbent's commission expired January 23, 1910.

E. B. Hill to be postmaster at Saratoga, Tex., in place of George W. Hill, resigned.

Herman Ingenhuett to be postmaster at Comfort, Tex. Office became presidential April 1, 1910.

Lulu F. McManis to be postmaster at Baird, Tex., in place of John V. McManis, resigned.

Lucius O'Bryan to be postmaster at San Benito, Tex. Office became presidential April 1, 1910.

D. P. Rowland to be postmaster at Clyde, Tex., in place of Ida May, deceased.

UTAH.

Herbert Hopes to be postmaster at Eureka, Utah, in place of James P. Driscoll, deceased.

Luella E. Thorne to be postmaster at Pleasant Grove, Utah. Office became presidential October 1, 1910.

Edward J. Young, jr., to be postmaster at Vernal, Utah, in place of E. Harvey Belcher, resigned.

VERMONT.

Perley S. Belknap to be postmaster at South Royalton, Vt., in place of Julius O. Belknap, deceased.

George F. Pease to be postmaster at Rutland, Vt., in place of John A. Sheldon, deceased.

VIRGINIA.

Wilmer L. Dechert to be postmaster at Harrisonburg, Va., in place of Charles M. Keezel, removed.

Luther G. Funkhouser to be postmaster at Roanoke, Va., in place of Luther G. Funkhouser. Incumbent's commission expired June 27, 1910.

George D. Kilgore to be postmaster at Norton, Va., in place of William M. Adams, resigned.

William L. Mustard to be postmaster at Pocahontas, Va., in place of William L. Mustard. Incumbent's commission expired March 2, 1910.

McClung Patton to be postmaster at Lexington, Va., in place of McClung Patton. Incumbent's commission expired June 28, 1910.

W. B. Peters to be postmaster at Appalachia, Va. Office became presidential October 1, 1910.

WASHINGTON.

Noah O. Baldwin to be postmaster at Pomeroy, Wash., in place of Noah O. Baldwin. Incumbent's commission expired June 28, 1910.

D. W. Hutchinson to be postmaster at Washougal, Wash. Office became presidential October 1, 1910.

WEST VIRGINIA.

Edgar C. James to be postmaster at Glen Jean, W. Va. Office became presidential July 1, 1910.

James H. McComas to be postmaster at Barboursville, W. Va. Office became presidential April 1, 1910.

Hugh I. Shott to be postmaster at Bluefield, W. Va., in place of Hugh I. Shott. Incumbent's commission expires December 20, 1910.

WISCONSIN.

Edith E. Baker to be postmaster at Shell Lake, Wis., in place of Edith E. Baker. Incumbent's commission expired March 21, 1910.

Herman Boerner to be postmaster at Cedarburg, Wis., in place of Arthur R. Boerner, deceased.

Frank J. Boyle to be postmaster at South Milwaukee, Wis., in place of Frank J. Boyle. Incumbent's commission expired March 21, 1910.

Ole Frederickson to be postmaster at Westby, Wis., in place of Erick G. Bratlie, resigned.

W. A. Jones to be postmaster at Oconomowoc, Wis., in place of John G. Gorth, removed.

Donald H. McGill to be postmaster at Oregon, Wis., in place of Austin R. Loveland, deceased.

Julius J. Martens to be postmaster at South Kaukauna, Wis., in place of Charles E. Raught, removed.

Emory A. Odell to be postmaster at Monroe, Wis., in place of Robert A. Etter, deceased.

Charles P. Peterson to be postmaster at Glenwood City (late Glenwood), Wis., in place of Charles P. Peterson. To change name of office.

Oscar T. Sagen to be postmaster at Galesville, Wis., in place of Albert B. Scarseth, resigned.

Walter H. Smith to be postmaster at Mondovi, Wis., in place of James T. Brownlee, deceased.

WYOMING.

William Gibson to be postmaster at Basin, Wyo., in place of Derealous C. Bowman, deceased.

Daniel E. Goddard to be postmaster at Lusk, Wyo. Office became presidential July 1, 1910.

Henry Harris to be postmaster at Superior, Wyo., in place of Horace L. Levesque, resigned.

Frank L. Palmer to be postmaster at Kemmerer, Wyo., in place of Paul A. Kenyon, resigned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 7, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that our Republic is not ungrateful, especially to the patriots who left their homes in foreign lands to join our fathers in their gallant struggle for freedom; that to-day in our Capital City will be unveiled the statue of one who rendered incalculable service to the holy cause. Grant that it may stand as a beacon light to guide coming generations in a noble effort to sustain liberty, justice, and equal rights to all men. To the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPORT OF COMMITTEE TO INVESTIGATE THE DEPARTMENT OF THE INTERIOR, ETC., BUREAU OF FORESTRY, ETC.

Mr. McCALL. Mr. Speaker, by direction of the committee appointed and elected to investigate the Department of the Interior and the Bureau of Forestry in the Department of Agriculture, I have presented the report of the findings and conclusions of the committee and of its members and the evidence taken in accordance with the rules of the House. I would simply ask unanimous consent for the reading of the letter of transmittal, which is very brief.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the reading of the letter of transmittal

touching the report which has been made under the rules of the House. Is there objection? [After a pause.] The Chair hears no objection, and the Clerk will read. (S. Doc. No. 719.)

The Clerk read as follows:

To the Speaker of the House of Representatives:

By direction of the joint committee, appointed and elected pursuant to the joint resolution of Congress approved January 19, 1910, to investigate the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry in the Department of Agriculture and its officers and employees, I present the report of the findings and conclusions of the committee and the views of the members thereof and the evidence taken and received.

SAMUEL W. MCCALL,
Vice Chairman.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

CALENDAR WEDNESDAY.

The SPEAKER. This being calendar Wednesday, under the rules of the House the call rests with the Committee on Patents.

RELIEF OF THE STATE OF PENNSYLVANIA.

When the Committee on War Claims was called,

Mr. LAW. Mr. Speaker, by direction of the Committee on War Claims, I call up the bill S. 6951, No. 296 on the Union Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6951) for the relief of the State of Pennsylvania.

Be it enacted, etc., That the accounting officers of the Treasury are hereby directed to readjust and settle the claim of the State of Pennsylvania against the United States for money paid to its militia for their services while employed in the service of the United States in the year 1863.

Mr. LAW. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill and that it be considered in the House as in Committee of the Whole House.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects. Under the rule the House is in Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill S. 6951. The Clerk will report the bill.

The bill was again reported.

Mr. LAW. Mr. Chairman, this bill provides for a resettlement of the account of the State of Pennsylvania, with the ultimate purpose in view of having the State of Pennsylvania reimbursed for interest and expenses which it paid in procuring a loan for the payment of the militia which were engaged in the national defense.

In 1863 a large force of the State militia of Pennsylvania was called into service to aid the United States troops in repelling the invasion of Gen. Lee into Pennsylvania. When it came time to disband the troops there was no money which had been appropriated by Congress to pay them, and there was no money in the treasury of the State of Pennsylvania. Under these circumstances a committee of bankers was formed which was known, and has ever since been known, as the Rogers committee. The troops were paid by this committee of bankers after having received certain assurances from the Secretary of War as to the intention of the Government to reimburse. On July 21, 1863, the Secretary of War, Mr. Stanton, addressed a letter to Mr. Fry, who was acting with Gov. Curtin and the bankers to whom I have referred, in which he used this language:

All that is necessary is that the governor of Pennsylvania should see that the company pay rolls are properly made out and certified. This being done, the amount is readily ascertained, and can be paid and the pay rolls will furnish the proper official voucher of payment. This department will lay before Congress, at the commencement of the session, an estimate to cover the amount and request the appropriation.

Upon the following day, July 22, 1863, Secretary Stanton sent a telegram to Gov. Curtin of Pennsylvania, which reads as follows:

Your telegrams respecting the pay of militia called out under your proclamation of 22d of June have been referred to the President for instructions, and have been under his consideration. He directs me to say that while no law or appropriation authorizes the payment by the General Government of troops that have not been mustered into the service of the United States, he will recommend to Congress to make an appropriation for the payment of troops called into State service to repel an actual invasion, including those of the State of Pennsylvania. If in the meantime you can raise the necessary amount, as has been done in other States, the appropriation will be applied to refund the advance to those who made it * * *.

Acting upon the assurances contained in this letter and telegram, and, I believe, other correspondence, Gov. Curtin addressed a communication to the Rogers committee, and in this letter he requested that committee to raise the necessary amount to pay the troops and assured them that if the United States Government did not reimburse them for the amount which they advanced he would recommend to the legislature of the State of Pennsylvania that an appropriation be made sufficient to reimburse them. Accordingly, on April 30, 1864, he did make such a recommendation to the legislature, with the result that an appropriation was made amounting to $713,419.61, which was paid. That was in September, 1864, and it was paid to the Rogers committee. This amount included not merely the amount that was paid to the militia, namely, $671,476.43, but it also included $41,890.71 for interest on money borrowed from the committee, and $52.47 expenses of the loan. The legislature of the State of Pennsylvania requested Congress to take action in the matter and reimburse the State, with the result that on April 12, 1866, the following act was approved by the President:

Be it enacted, etc., * * * That to supply a deficiency in paying the Army under the act of March 14, 1864, and to reimburse the State of Pennsylvania for money expended for payment of militia for service in the United States, the sum of $800,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided,* That before the same is paid the claim of the State shall be again examined and settled by the Secretary of War.

Accordingly, the Secretary of War did examine and settle the account and made an award in favor of the State of $667,074.35, which was paid to the State.

However, the Secretary of the Treasury appended a note on the warrant, the note reading as follows:

NOTE.—This payment, approved by the Secretary of War, is made as an advance to the State of Pennsylvania. The accounts as approved by the Secretary of War, not having been fully stated and passed by the accounting officers of the Treasury Department, will be subject to reexamination and final settlement at the department hereafter.

Mr. Chairman, subsequently, upon the solicitation of the State of Pennsylvania to have the entire matter reopened, the Secretary of War called upon the Attorney General for an opinion as to the extent to which this settlement was final and res adjudicata, and the extent to which he might reopen the case and consider the question of interest and other things. The Attorney General rendered an opinion to the effect that the Secretary of War's settlement of the matter was final and res adjudicata, and could not be opened for any cause except for the purpose of correcting clerical errors. Accordingly, it was opened for that purpose, and an additional allowance of $3,732.50 was made to correct clerical errors; but under this decision of the Attorney General the Secretary of War had no power to open the case to the extent of considering the question of the amount of interest paid by the State of Pennsylvania to the Rogers committee.

Now, the question has been often asked, for this bill has been up a good many times before, as to why it was that the Secretary of War did not consider the question of the $41,000 as interest. That is found in the fact that it appears that after the payment of the militia by the Rogers committee the pay rolls paid by them were filed wtih the Secretary of War as vouchers for the payments made, and these pay rolls were the basis of the settlement made by the Secretary of War. It was not until after he had made his settlement of the claim of the State of Pennsylvania that this additional claim was presented to the Government. So that the reason why this amount was not included in the first instance was that the settlement was made upon the basis of the pay rolls, which of course did not show the amount of money advanced and paid by the State of Pennsylvania to the Rogers committee in the way of interest and expenses of the loan. Therefore, really, the only question that arises now is as to whether the amount which was paid by the State of Pennsylvania to the Rogers committee in the way of interest and expenses of securing the loan is a proper charge and claim against the Government of the United States. And bearing upon that question—I believe it has been sufficiently settled now, so that it is not really a question—but bearing upon that point the Comptroller of the Treasury in an opinion upon this very claim, dated March 3, 1892, uses the following language:

It may be that justice has not been done the State. It was no doubt the duty of the General Government to provide funds with which the militia called out by Gov. Curtin, at the request of the President, could have been paid when discharged. Having failed, it was but fair that the money paid out by the State in discharging the obligation of the United States be refunded. This has not been done.

I am not informed of the reason why the Secretary of War refused to pay this sum. In my judgment the amount of interest paid by the State to the Rogers committee was as much a proper charge as the sums paid to militia by the committee.

But that question has already been settled by the Supreme Court in the case of The United States against New York (168 U. S. Reports).

In that case the Supreme Court of the United States decided that a charge for the interest upon bonds issued by the State—

to defray expenses to be incurred in raising troops for the national defense was a principal sum which the United States agreed to pay, and not interest within the meaning of the rule prohibiting the allowance of interest accruing upon claims against the United States prior to the rendition of judgment thereon.

And the same decision has been repeatedly held by the Comptroller of the Treasury.

Mr. Chairman, this bill was unanimously reported by the Committee on War Claims, after a great deal of careful consideration. It has been favorably reported, unanimously so, by the Committee on War Claims of the House and the Committee on Claims of the Senate a good many times, and I believe it has been passed by both branches of Congress, but never in the same Congress. There seems to be no good reason why this claim should not be paid. Other States have been reimbursed, not only for money which they advanced, but they have been repaid, too, for the expenses in the way of interest which they paid to raise the loan. There is a marked distinction between allowing interest on indebtedness and reimbursement of a State for the amount of interest which it actually paid out.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield to a question?

Mr. LAW. Certainly.

Mr. SLAYDEN. I dare say that this bill, having the unanimous report of the committee and having, as the gentleman said, passed first one House and then the other, is correct and ought to be paid; but it struck me as being peculiar that it does not in any way limit the amount or give the specific amount that is to be paid. I have just been advised privately by the gentleman that the amount will not exceed $41,000, you say.

Mr. LAW. Yes; between $41,000 and $43,000.

Mr. SLAYDEN. It will not amount to $43,000.

Mr. LAW. It will not exceed $43,000.

Mr. MANN. How can the gentleman say what amount will be found upon a readjustment of this claim? If he knows what the amount will be, what is the object of readjusting?

Mr. LAW. Mr. Chairman, the amount is not absolutely certain. I say it is between $41,000 and $43,000. If the gentleman from Illinois [Mr. MANN] or any other gentleman in the House has any question about that, I am perfectly willing to submit an amendment limiting the amount to $43,000.

Mr. BUTLER. Not to exceed $43,000.

Mr. COOPER of Pennsylvania. I wish to suggest to the chairman of the committee that the bill itself provides in the last three lines—

And in such settlement said officers are directed to allow the State for money which it paid as interest on money borrowed to pay for said services.

That would limit the amount to the money that the State of Pennsylvania paid to the Rogers committee.

Mr. SLAYDEN. Not necessarily.

Mr. MANN. Not at all.

Mr. SLAYDEN. I do not think it would.

Mr. LAW. If the gentleman will yield, I will offer an amendment.

Mr. SLAYDEN. One moment. There is another question that I want to ask the gentleman who has the bill in charge. I think that the limitation ought to be put in the bill, as the gentleman suggests.

Mr. LAW. There is no objection to that.

Mr. SLAYDEN. Now, there is a statement here about the interest to be paid. Do I understand that the interest to be paid to the State of Pennsylvania is not interest on the claim of the State against the United States?

Mr. LAW. Not at all.

Mr. SLAYDEN. But it is the amount of interest that the State of Pennsylvania paid to the bankers who advanced the money?

Mr. LAW. Precisely so.

Mr. SLAYDEN. That is the situation?

Mr. LAW. That is the situation precisely; yes.

Mr. SLAYDEN. Then, with the limitation put into the bill as suggested by the gentleman, I think perhaps it ought to pass.

Mr. LAW. Then, Mr. Chairman, I offer this amendment to the bill——

The CHAIRMAN. General debate is not yet concluded.

Mr. BUTLER. I suggest to the gentleman that he have it understood that he will offer that amendment.

Mr. LAW. Mr. Chairman, I give notice at this time that at the close of the general debate I will offer an amendment limiting the amount to $43,000.

Mr. CAMPBELL. Mr. Chairman, I should like to ask the chairman of the committee in charge of this bill if the State of Pennsylvania at any time settled its account with the Government of the United States for moneys received by the State of Pennsylvania under the acts of Congress in the thirties, under which the money was distributed to the States?

Mr. LAW. I think not.

Mr. CAMPBELL. The State of Pennsylvania has not settled that account?

Mr. LAW. No; I think not.

Mr. CAMPBELL. Does the gentleman know how much money the State received under that distribution?

Mr. LAW. I can not state now exactly. Perhaps some of the Pennsylvania Members can state. I can, however, tell the gentleman the amount of money that was paid upon this claim, and all the money that has been paid upon it.

Mr. CAMPBELL. I understand; but does not the chairman of the committee think that that old claim due to the Government from the State of Pennsylvania is a proper offset against this claim by the State of Pennsylvania against the United States?

Mr. LAW. I am not aware that the State of Pennsylvania owes the General Government anything.

Mr. CAMPBELL. Why, it owes that money to the United States that was given to the State of Pennsylvania some 70 years ago, does it not?

Mr. BUTLER. The General Government has never called for it.

Mr. CAMPBELL. We can call for it now.

Mr. LAW. Does the gentleman mean the amount of money that was given to the State of Pennsylvania in connection with this claim?

Mr. CAMPBELL. No; but I think it entirely fair to find out how the account stands between the United States and the State of Pennsylvania on the money given to the State of Pennsylvania 70 years ago.

Mr. MOORE of Pennsylvania. Will the gentleman kindly specify what particular amount it is that the State of Pennsylvania owes to the United States Government?

Mr. CAMPBELL. I am just asking the chairman of the committee what the amount is. I have not been able to find out the exact amount.

Mr. MOORE of Pennsylvania. As a representative of the State of Pennsylvania I would say that if the Government has a claim against the Commonwealth of Pennsylvania I should think the Government ought to have presented that claim long ago. I would like to ask the gentleman, if he will permit me, whether any such amount as he claims the Commonwealth of Pennsylvania owes to the Government of the United States is owed by the Commonwealth of New York, or New Jersey, or New Hampshire, or Rhode Island, or Indiana, or Iowa, or Michigan, or Ohio, or Illinois, or Vermont, and whether they have repaid any amounts that may be due from them?

Mr. CAMPBELL. Probably not from the States of either Indiana or Iowa. It is from New York, New Jersey, Ohio, and other Eastern and Southern States.

Mr. MOORE of Pennsylvania. Would it not influence the gentleman's mind a little if he knew that every one of the States had been reimbursed for loans similar to that created by the government of Pennsylvania in putting militia in the field?

Mr. CAMPBELL. The fact that the State of New York may have been reimbursed without any question having been raised whether New York had paid what it owed to the United States would hardly justify the payment to the State of Pennsylvania without having a settlement.

Mr. MOORE of Pennsylvania. I now renew my inquiry to the gentleman from Kansas, whether he knows of any specific amount that is due the Government of the United States from the Commonwealth of Pennsylvania?

Mr. CAMPBELL. I know that there is an amount due the Government but I do not know the exact amount.

Mr. MOORE of Pennsylvania. Is such an amount due from other States to the Government of the United States?

Mr. CAMPBELL. Yes; from many other States.

Mr. MOORE of Pennsylvania. States that have been reimbursed for loans created in this way?

Mr. CAMPBELL. No doubt of it.

Mr. MOORE of Pennsylvania. Would it not have been fair to have raised that question when those loans by those other States were reimbursed?

Mr. CAMPBELL. I think it would; and I propose to raise the question against any other State presenting a claim here.

Mr. MOORE of Pennsylvania. I ask the gentleman if he thinks it is fair to raise that question now without specific

knowledge as to the amount due the United States from the Commonwealth of Pennsylvania?

Mr. CAMPBELL. I have asked the chairman if in preparing the report upon this bill he ascertained what amount was due from the State of Pennsylvania to the Government of the United States.

Mr. MOORE of Pennsylvania. I know of no such amount and I ask the gentleman from Kansas if he knows of any such amount?

Mr. CAMPBELL. I do not know the exact amount, but I take it that it can be ascertained at the Treasury Department, and I have set the machinery in motion to get that information.

Mr. MOORE of Pennsylvania. Does the gentleman think it is proper to allow his judgment to be prejudiced against an honest claim, one made in honor by the Commonwealth of Pennsylvania against the Government of the United States, because he thinks something is due by that Commonwealth against the Government?

Mr. CAMPBELL. I have no doubt the State of Pennsylvania owes the United States Government for the deposits that were received by it in the thirties.

Mr. MOORE of Pennsylvania. Oh, the gentleman is going back into antebellum days.

Mr. CAMPBELL. I am going back to the days that the debt was created. The claim presented by Pennsylvania at this time is not a new claim. It is at least half a century old.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that I am simply appealing to his fairness. If there is anything due to-day by the great Commonwealth of Pennsylvania to the Government of the United States, I have no doubt that that claim, when properly presented and proven, would be honored by the Commonwealth of Pennsylvania. But we are fighting windmills when we are discussing a probable claim that existed long before the war, about which the gentleman gives us no specific information.

Mr. CAMPBELL. It is not a probable claim at all. There is an exact amount that the State of Pennsylvania received from the United States.

Mr. MOORE of Pennsylvania. But if there is an indebtedness due by the Commonwealth, where are the officials of the Government of the United States, who ought to make the claim and who ought to receive that which is alleged to be due?

Mr. CAMPBELL. Oh, I take it that these claims have not been presented by the United States against these States, because it has always been considered improper for the United States to demand money from States or individuals, but always quite proper for States and individuals to demand money from the United States.

Mr. MOORE of Pennsylvania. Addressing the gentleman further, through the courtesy of the chairman of the committee, I desire to say that it is a fact that the following sums have been paid to the following States, under circumstances exactly similar to those presented in the present claim of the Commonwealth of Pennsylvania against the United States Government. Under the decision of the New York case, referred to by the chairman of the committee, the gentleman from New York [Mr. LAW], amounts have been paid to States by the Government as follows: New York was paid $131,515.81; New Hampshire, $107,372.53; Rhode Island, $124,617.79; Indiana, $635,850.20; Pennsylvania, on other accounts, received $689,146.29; Iowa, $156,417.89; Michigan, $382,167.62; Ohio, $458,559.36; Illinois, $1,005,129.29.

Mr. MADDEN. That shows that Illinois was patriotic.

Mr. MOORE of Pennsylvania. It was; and Vermont received $280,453.56. Now, our position is simply this: That if those other States have received payment of these sums for advances made to reimburse them on interest accounts, which are charged up as principal under these various decisions, the same treatment should be accorded the Commonwealth of Pennsylvania. That is our position.

Mr. CAMPBELL. But the gentleman from Pennsylvania does not take the position that if the State of Pennsylvania is indebted to the United States, that indebtedness would not be a proper counterclaim at this time against the State of Pennsylvania?

Mr. MOORE of Pennsylvania. In the absence of more specific information than the gentleman presents, I would say it would be entirely unfair to raise that question now. I say that if the Government has a claim and the gentleman can state it, it should be stated in the regular way, and, if proven, it would be honored by the Commonwealth of Pennsylvania.

Mr. CAMPBELL. But the gentleman from Pennsylvania is so familiar with the history of his country, and especially with the financial history of the period to which I refer, that he knows quite as well as I and other Members of the House that the State of Pennsylvania is indebted to the United States, and I will ask him if he would be willing now to accept as an amendment an offset to the amount that the Treasury Department may state was distributed to the State of Pennsylvania, with the accrued interest?

Mr. MOORE of Pennsylvania. Not unless the same treatment had been accorded other States.

Mr. DALZELL. Mr. Chairman, I would like to ask the gentleman a question. What evidence has he that any money was loaned to the State of Pennsylvania?

Mr. CAMPBELL. That the State of Pennsylvania was one of the States of the Union at the time that this distribution was made, and that it was distributed to all the States.

Mr. DALZELL. Exactly; but it was not a loan at all. There was a surplus in the Treasury, and in order to get rid of that surplus it was distributed amongst the various States.

Mr. CAMPBELL. With the understanding, however——

Mr. DALZELL. No understanding about it.

Mr. CAMPBELL. That it was to come back at any time that it may be demanded by the Government.

Mr. DALZELL. Not at all. It has not been demanded.

Mr. MANN. It was a loan.

Mr. DALZELL. It was a distribution of the surplus money in the Treasury.

Mr. CAMPBELL. I have the language of the act here under which the distribution was made. I do not care to take up the time of the House to read it.

Mr. MANN. For the benefit of the Pennsylvania delegation, give them the information.

Mr. LAW. Has the gentleman from Kansas concluded? Mr. Chairman, the gentleman from Kansas raises the question as to certain indebtedness on the part of the State of Pennsylvania to the Government of the United States which, he says, arose in 1830. There seems to be a disagreement between Members of the House as to whether this constituted an indebtedness or not; but whether it was or not I want to call the attention of the House to the fact that it was in 1863, more than 30 years later, that this money was paid by the State of Pennsylvania to the Rogers committee upon the moral assurance that the State of Pennsylvania would be reimbursed for every dollar that it had paid to the Rogers committee, and in the communications from the State Department, both by letter and telegram, there was not the least suggestion that there was money owing by the State of Pennsylvania to the General Government that would have to be regarded as an offset to the money or to the payment of the indebtedness on the part of the Government to the State of Pennsylvania for the reimbursement of the Rogers committee. Therefore, if the Government believed that the State of Pennsylvania was so indebted to the Government of the United States and that that should have been an offset, then the governor of the State of Pennsylvania should have been so informed at that time. The governor of the State of Pennsylvania and the people of the State of Pennsylvania proceeded upon the good faith of the assurances in the communications from the Secretary of War. It has been well said by the gentleman from Pennsylvania [Mr. MOORE] that this question has been raised in no instance where other States have been reimbursed for exactly the same thing, and if it was to have been raised at all it should have been raised at the time the original payment was made by the Government to the State of Pennsylvania.

Mr. MANN. The original amount which was borrowed by the State of Pennsylvania was that for the purpose of paying troops temporarily put into the field for the purpose of preserving Pennsylvania against an invasion. Is not that a fact; to pay men who would not enlist to go out of the State and fight for the Nation, but who were perfectly willing to be paid to protect their homes in the State, and having received that money now want interest on the money which the State borrowed?

Mr. DALZELL. I call the gentleman's attention to the fact that the militia took part in all the campaigns. They were at the battle of Gettysburg——

Mr. MANN. Which was still in the State.

Mr. COOPER of Pennsylvania. And I call the gentleman's attention to the fact that if that campaign had been successful, it would not have stopped in the State of Pennsylvania, but would have gone to New York, Boston, and further if Gen. Lee's plans had been successful.

Mr. MANN. And they want pay for troops to repel——

Mr. COOPER of Pennsylvania. If you will read the communication of Gov. Curtin you will find in it that they were in use for the service of the United States after the invasion was repelled.

Mr. MANN. A mighty short time; by men who were not willing to go out of the State to fight and now they want interest on the money.

Mr. COOPER of Pennsylvania. I protest against that statement, because there is no evidence here and elsewhere to that effect. History does not record the fact that the troops of Pennsylvania refused to go out of the State. No more loyal troops served in the Army than those from Pennsylvania——

Mr. MANN. But the Pennsylvania troops which refused to enlist to go out of the State only enlisted when their own property and lives were imperiled——

Mr. COOPER of Pennsylvania. And the men are not entitled to be placed on the pension rolls for wounds received and disease contracted in the service of the United States. They have no pensionable status.

Mr. MOORE of Pennsylvania. Mr. Chairman, the fact is that some of these men did go out of Pennsylvania, and some were called upon to follow Gen. Lee through Maryland on his retreat from Gettysburg. I question whether the gentleman from Illinois will want to say here that the battle of Gettysburg, one of the greatest in the history of the world, was fought solely for the protection of the Commonwealth of Pennsylvania. There are some beautiful monuments upon that battlefield in honor of soldiers from the State of Illinois, who also fought there.

Mr. PAYNE. Mr. Chairman, I would like to know from the gentleman from Illinois [Mr. MANN] whether he thinks this was a Pennsylvania war or a war for the Union.

Mr. FOCHT. Mr. Chairman, I would like to say to the gentleman from Illinois [Mr. MANN] that it ill becomes him to reflect upon the troops of Pennsylvania as having enlisted from any mercenary motives or purpose, when his own State probably received three times as much in return from the United States Government as any other State, according to the statement made here. I will say to the gentleman from Kansas [Mr. CAMPBELL] that if he will state in as definite and specific a form as this bill has been presented, asking for the return of this money, any claim on the State of Pennsylvania, he will find in the treasury there $9,000,000 surplus from which they might draw.

Mr. CAMPBELL. After all that has happened in Pennsylvania.

Mr. OLMSTED. Mr. Chairman, this is a claim for reimbursement to the State of Pennsylvania for moneys actually expended by it to accomplish the payment of troops that ought to have been paid by the Government, as they were troops who served the Government. The principal objection urged is by my friend from Kansas [Mr. CAMPBELL]. He is unable to specify any amount or name the act of Congress, but he thinks there is some old claim somewhere, dating back to 1830, for money due from the State of Pennsylvania to the Government. That reminds me of the man who was for the first time eating a peculiar kind of soup. He asked what kind it was and was told that it was oxtail soup. "Well," said he, "is not that going pretty far back for soup?" [Laughter.]

Mr. CAMPBELL. This claim presented by the State of Pennsylvania is somewhat hoary with hair, also.

Mr. OLMSTED. The defense against this claim goes pretty far, goes pretty far back and is thinner than soup. I want to say to the gentleman from Kansas that the State of Pennsylvania has had claims aggregating several hundred thousand dollars pending before the Committee on War Claims for several years for damages to property in that State that would not have been suffered had the Federal Government done its duty at the time. We will be very glad to have the whole account audited from the beginning of the Government down to the present time and receive a draft upon the Federal Treasury for the grand total due our State. All that this bill calls for, however, is reimbursement for the money paid out of the State treasury of Pennsylvania for the particular purpose stated in the bill. All the other States which made similar advances have been repaid, except the State of Pennsylvania, and unless there is some reason for discriminating against that Commonwealth this bill ought to pass without question. The money was advanced, in the first instance, by certain bankers without any security other than the promise of Abraham Lincoln, made through his Secretary of War, Edwin M. Stanton, to Gov. Curtin, that the Federal Government would reimburse the State for its expenditures in that behalf. The State paid the bankers the amount of their advances with interest. The Federal Government has heretofore repaid the State all but about $43,000. This bill provides for the payment of that balance. The State of Pennsylvania has been out of this money for more than 40 years. She does not ask and this bill does not allow her any interest, but simply what she paid out in hard cash, including, of course, the interest she did pay to those who had advanced the money to pay the troops who served so valiantly in repelling Lee's invasion.

Mr. LAW. Mr. Chairman, I reserve the balance of my time.

Mr. SIMS. Mr. Chairman, there has been something said here about discriminating against Pennsylvania. Of course the gentleman does not mean that Pennsylvania under that former settlement was not treated like every other State. It was, and received six hundred thousand and some odd dollars, but the State of Pennsylvania did not present this item for settlement at that time. This claim is made under an act of Congress passed something over 40 years ago. It was audited and paid by the Treasurer under that act of Congress, but it seems the State of Pennsylvania or its officers did not present the item for interest paid by the State for the borrowing of this money in the settlement made under act of Congress specifically authorizing the payment of this claim. Now, that seems to be clear. My recollection is the net amount is forty-one thousand and some odd dollars. The gross amount was more. At the time a number of the other States were paid under the legislation of this House—Illinois, Pennsylvania, New York, and some of the others mentioned—I thought there was an injustice done to the taxpayers of the Nation.

Some of these States—I am not sure whether Pennsylvania was one of them or not—issued bonds to get the money with which to make those payments. Those bonds had a number of years to run, and in making settlements they charged the Government of the United States up with the bonds and the interest to the maturity of the bonds, while the Government had reimbursed the States many years before the bonds matured. As a member of the committee at the time I insisted that the settlement should be made upon the basis of partial payments; that is, that the interest on the amount of the payments by the Government to the States should be calculated, and that they should pay the amount of interest up to the time the payment was made, and not to the maturity of the bonds.

Now that I am on my feet, I will say that I can not remember whether Pennsylvania was one that sold bonds and was reimbursed for them by the General Government before the maturity of the bonds, but was charged with the amount of the bonds and the interest. I do not know whether that was so or not.

Mr. DALZELL. The money which was paid by the State of Pennsylvania was secured from bankers in Philadelphia and was paid in a year by the State of Pennsylvania, with the interest.

Mr. SIMS. I am not talking about this particular item, but about the sum of $600,000.

Mr. DALZELL. The State of Pennsylvania borrowed $600,000 from a syndicate of bankers in Philadelphia, and at the end of the year paid the debt and the interest.

Mr. SIMS. So that the question of issuing bonds does not apply to the State of Pennsylvania, and the only question in my mind was as to the payment of that sum. So that the $600,000 that she got was not an amount that was raised upon the issue of the bonds for which she was reimbursed before the bonds matured?

Mr. DALZELL. Not at all.

Mr. SIMS. If that is the case, then it does not apply to this item, and therefore this claim is a legal claim and on all fours with the others that have been paid. I did not think that Illinois, Pennsylvania, or any other State should receive payment on unmatured bonds when reimbursed, but that question does not arise here. [Cries of "Vote!"]

Mr. LAW. Mr. Chairman, I call for the reading of the bill.

Mr. MANN. Mr. Chairman, I just want to say a word about this bill.

It is a great pleasure to have a bill relating to Pennsylvania before the House, because for the first time in my service in the House I see all the Representatives of the Pennsylvania delegation on the floor at one time, and that is quite a distinction for the House to enjoy.

Mr. FOCHT. And they will be here next year.

Mr. BUTLER. For one, I have noticed that the gentleman is sometimes absent.

Mr. MANN. The gentleman must see through walls, then.

Mr. MOORE of Pennsylvania. The gentleman is correct. There is just exactly the situation to-day that there was while Illinois was having its claim for a million and a hundred thousand considered, as I am informed by an older Member.

Mr. MANN. The gentleman may be so informed by an older Member, but I doubt it, and if so he was incorrectly informed. I will advise the gentleman, so that I will not be embarrassed by any question that may be asked or reply given, that when the proposition came before the House of refunding a certain amount, not on all fours with this at all, I voted against it, so that I will not be embarrassed by reason of any question that is asked on that proposition.

The State of Pennsylvania is here asking not for money supplied to the General Government for the payment of temporary troops that would go into the service of the General Government, but only temporary troops to preserve herself against invasion. These troops paid by Pennsylvania resisted entering the service of the General Government. They declined to enlist, even temporarily, under the General Government, and when they were called out that question was raised by them, and the objection was made that if they entered into that sort of service that there would be an effort made by the Government to have them go outside of the State of Pennsylvania; and the result was that the governor of Pennsylvania suggested to the President that he call them as State militia, the President having first called them out by proclamation as general militia. And even after this invasion was repelled these same troops, some of them, did enter the service of the General Government by enforced draft only.

Mr. DALZELL. Well, that is not correct.

Mr. BUTLER. The gentleman is in error.

Mr. MANN. Gentlemen should make themselves familiar with the history of this case.

Mr. BUTLER. I know the history of it, for it affects my own people, and I know they did go into the United States service.

Mr. FOCHT. Does the gentleman from Illinois undertake to say there was any Northern State where the draft was not employed—his own State, for instance?

Mr. MANN. Now, Mr. Chairman, the State of Pennsylvania is a great State. No one gainsays that fact. It has a great representation on the floor of this House. No one gainsays that fact. These gentlemen who are now so ardent to get this money for the State of Pennsylvania would not for one moment think of asking for it for themselves if it were a personal matter.

What were the facts? The State of Pennsylvania was threatened with an invasion. It was the duty of the General Government to repel that invasion. The President issued a proclamation, calling upon the citizens to enter the militia or come together for the purpose of repelling the invasion. They raised the question in Pennsylvania that they would not enlist under the authority of the General Government, because they might be taken out of the State of Pennsylvania to fight the enemy. Thereupon the governor asked them to meet as State militia. The question was raised as to their pay. The State of Pennsylvania had no money with which to pay them. The General Government had no appropriation under which it could pay troops not engaged under the control of the General Government. Private parties undertook to pay them. The General Government undertook to repay the money, and has repaid it. The situation is not at all on all fours with the case of the different States raising money for the purpose of getting troops enlisted into the service of the General Government. These troops never were enlisted under the General Government. They did not enlist in the Army of the United States. The State of Indiana and the State of Illinois did raise money, and the State of Pennsylvania raised money for the purpose of getting troops enlisted in the Army of the United States. That money has been refunded. It has nothing to do with this case at all. There is no other State that is asking the General Government even to pay the amount that was contributed by the General Government, as in this case of Pennsylvania, for the purpose of repelling invasion. If Kentucky, Maryland, and Missouri were to be repaid the money which they had paid, either as States, or as counties, or as individuals, to repel invasion, the State of Pennsylvania would be the first one to object to it.

Mr. MOORE of Pennsylvania. Is not the gentleman from Illinois fully answered in his criticism of these men enlisted for the service referred to by the act of Congress passed April 12, 1866, by which the Government of the United States, then having the matter more freshly in memory than we have it now, appropriated sufficient money to pay both principal and interest advanced by the State of Pennsylvania?

Mr. MANN. I am perfectly willing to leave this matter to the settlement of the people who were familiar with the facts, because this matter has been adjudicated once or twice already by the Government, by the people who knew the facts and were familiar with the situation, who understood what the General Government was to do and what the State of Pennsylvania was to do. But the gentleman from Pennsylvania now wants to take the advice of a claim agent who has been working up this case, instead of the advice of the men who knew the facts at the time.

Mr. MOORE of Pennsylvania. Is it not a fact that the Government acknowledged the justice of this claim by the passage of the act of 1866?

Mr. MANN. They did not. If they had, the claim would have been paid.

Mr. BUTLER. Who is the claim agent the gentleman from Illinois refers to?

Mr. MOORE of Pennsylvania. This claim comes before the House with the authority of the governor of Pennsylvania; it is presented in the regular way, like the claims of the State of Illinois and the other States to which reference has been made.

Mr. SIMS. Is it not a fact that these other large claims which the gentleman refers to were presented by the States through their regular officers and not through claim agents?

Mr. DALZELL. There is no claim agent in this case.

Mr. BUTLER. Who is the claim agent?

Mr. SIMS. If gentlemen will read the hearings on this claim, they will have no trouble in finding out.

Mr. MOORE of Pennsylvania. I can not inform the gentleman from Tennessee how these other claims were presented. I simply know that they were paid.

Mr. MANN. I will now yield to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. As to the existence or nonexistence of a claim agent in this case, I ask the gentleman whether he is familiar with the fact that there is or is not a claim agent representing the State in the matter of this claim before any of the committees of this House?

Mr. MANN. I am informed that there is a claim agent who has appeared with reference to this case before the committee.

Mr. BURKE of Pennsylvania. If that be true, I want to say that it is a very sad state of affairs when in a claim of this character, with the merit that is manifest upon its face, it becomes necessary for the State of Pennsylvania to retain a claim agent to press its claim before the United States Government.

Mr. MANN. It may be a sad state of affairs, but here is a case where there was a claim adjusted by the people who were familiar with the claim when it came into existence, people who knew all about it, the people on both sides. They adjusted the claim, and it was settled, and it was paid. Years after some bright claim agent set up the claim that because the General Government had paid interest on some other amounts due other States that they ought to be paid in this case. He worked up this new claim, but the cases are not at all similar. The gentleman from Pennsylvania says that the State ought to be paid without the intervention of a claim agent, but the State of Pennsylvania did not dream that it had a claim until it was informed of it by the claim agent.

Mr. BURKE of Pennsylvania. But the gentleman from Illinois does not deny that the State of Pennsylvania, regardless of the status of claim agents and regardless of oversight of the clerks who made up the pay rolls at the time on which the payments were originally made, has an equitable claim against the Government for this amount of money actually expended by the fiscal officers of the State at the time in question?

Mr. MANN. If the gentleman wants my opinion, I do not think it had an equitable claim for the original amount. They certainly had no legal claim. But the Government paid back the money. The State of Pennsylvania would have raised ten times this amount and spent it quickly to have saved itself, and the bankers of the State of Pennsylvania would have advanced the money just as readily if they had believed that they were never to get back a cent.

Mr. OLMSTED. Will the gentleman from Illinois yield to me for a statement?

Mr. MANN. I will yield to the gentleman for anything.

Mr. OLMSTED. I understood the gentleman from Illinois to say that this case was different from the others. I want to call his attention to a telegram of the Secretary of War addressed to Gov. Curtin under the date of July 22, 1863.

Mr. MANN. Upon what page does it appear?

Mr. OLMSTED. On page 2 of the report, near the top of the page, in which he says:

> Your telegrams respecting the pay of militia called out under your proclamation of 22d of June have been referred to the President for instructions, and have been under his consideration. He—

That is, the President of the United States—

> directs me to say that while no law or appropriation authorizes the payment by the General Government of troops that have not been mustered into the service of the United States, he will recommend to Congress to make an appropriation for the payment of troops called into State service to repel an actual invasion, including those of the State of Pennsylvania. If in the meantime you can raise the necessary amount, as has been done in other States, the appropriation will be applied to refund the advance to those who made it * * *.

That clearly implies that there were other States. He then adds:

> If in the meantime you can raise the necessary amount as has been done in other States, the appropriation will be applied to refund the advance to those who made it.

That shows that there were other cases, and I understand that in the other cases the repayment has been made to the States.

Mr. MANN. The State of Missouri was one of them. Part of it has been repaid and part has not. It still has a claim for a large amount against the Government.

Mr. COOPER of Wisconsin. Will the gentleman from Illinois yield?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. This money was advanced by private individuals, as I understand it.

Mr. MANN. Advanced by a committee of bankers, as I understand it.

Mr. COOPER of Wisconsin. Does the Geneleman from Illinois think it right for the Government of the United States or for a State in a case of such extreme necessity to accept money from private individuals to save either the life of the State or, as it was in this case, the life of the United States, and then not pay interest upon the money—the money coming from private individuals?

Mr. MANN. The gentleman might assume, then, that we are to look up the private individuals in Ohio who advanced money to repel the Morgan invasion for the purpose of paying it back to them. Why, we do not do that anywhere.

Mr. COOPER of Wisconsin. I hunt up no individuals except those who are named in the bill before us.

Mr. MANN. Ah, but the gentleman wants to be fair. If he wants to hunt up one individual, he wants to do it with others. Besides, the question of the gentleman was not in reference to this case, but was an abstract question. I do not think the General Government is under any obligation to repay money to every private individual who has advanced or expended money to protect himself and his property from destruction.

Mr. COOPER of Wisconsin. Will the gentleman permit another question?

Mr. MANN. Why, certainly.

Mr. COOPER of Wisconsin. The telegram of the 22d of July, 1863, which the gentleman from Pennsylvania [Mr. OLMSTED] read, was from the Secretary of War to Gov. Curtin, and was sent by direction of the President. In considering this telegram it is important for us to remember that, as its date shows, the Secretary of War was Edwin M. Stanton and the President Abraham Lincoln. Abraham Lincoln directed Edwin M. Stanton to say to Gov. Curtin that while there was no law or appropriation authorizing the repayment by the General Government for troops that have not been mustered into the service of the United States, he, Abraham Lincoln, would recommend to Congress to make an appropriation for the payment of troops called into a State service to repel an actual invasion, including those of the State of Pennsylvania. I call especial attention to the words "State service" in that telegram. Unlike some gentlemen on this floor, President Lincoln did not think it necessary for such troops to be in the service of the United States, but he declared that if they were called into "State service" to repel an invasion he would ask Congress to make an appropriation to refund the money to those who advanced it.

Relying upon that telegram from Edwin M. Stanton, Gov. Curtin the same day sent a letter and a copy of the telegram to the Rogers committee and assured the committee that if there should be any failure on the part of the Government of the United States to refund the money raised as proposed, he would ask the legislature of Pennsylvania at the opening of its next session to make an appropriation to refund the money with interest. Gov. Curtin had requested these private individuals to advance the money necessary to pay the troops going into the "State service," and he in express terms promised to ask that that money be repaid with interest. The amount advanced was $671,476.43. The State, in September, 1864, paid that sum with interest, the total being $713,419.61. The next February—February 3, 1865—the legislature of Pennsylvania adopted a resolution reciting that the United States was indebted to the State of Pennsylvania in that sum and requesting the President to recommend Congress to make the necessary appropriation to pay the same. In April, 1866, Congress passed a law appropriating for this purpose $800,000, or so much thereof as might be necessary, an amount a good deal larger than the sum advanced by the Rogers committee, thus indicating that Congress must have had in mind the repayment to the State of Pennsylvania not only of that sum, but also of the interest upon it which the State had paid.

But in some way when the claim came to be presented the sum paid for interest was not included, and the State was awarded only $667,000 and a little more, that being the sum advanced without interest. But attached to the warrant was this statement and note by the then Secretary of the Treasury, Hon. Hugh McCullough:

NOTE.—This payment, approved by the Secretary of War, is made as an advance to the State of Pennsylvania. The accounts, as approved by the Secretary of War, not having been fully stated and passed by the accounting officers of the Treasury Department, will be subject to reexamination and final settlement hereafter.

This note, it will be observed, speaks of this payment as an "advance." What does it mean in a probate court when we say that a legatee has received an "advance" on an amount given to him as a legacy under a will?

Mr. BUTLER. Partial payment.

Mr. COOPER of Wisconsin. Certainly. It means a partial payment. The then Secretary of the Treasury said in his memorandum on the warrant that the payment of $667,000 was made "as an advance to the State of Pennsylvania," and that the account as approved by the Secretary of War, not having been fully stated and passed by the accounting officers of the Treasury Department, would be subject to subsequent reexamination and settlement at the department.

Mr. Chairman, bearing in mind that Abraham Lincoln authorized Edwin M. Stanton to say that he would ask Congress to pay for troops, though called only into "State service," it is perfectly clear that this money, coming from private individuals for so noble a purpose, ought to have been, as it was, repaid them, with interest.

The bondholders who advanced money to the Government, and were given its bonds in the dark days of 1861 to 1865, were all paid interest. It is true, as suggested by the argument of the gentleman from Illinois against the pending bill, that these men were anxious to protect their own private property and the property of the other citizens of their respective States, but it is also true that they helped to save the Republic of the United States of America at a time when, without the money which was loaned to the Government, the Republic would have gone down in ruin. I do not understand the argument of the gentleman from Illinois.

Mr. Chairman, while these militia stood in front of Robert E. Lee, the master military genius of the Confederacy, and helped save Pennsylvania, they helped save the United States of America. [Applause.] Defeat and rout on the battlefield of Gettysburg would have meant the capture of Washington. I heard an old employee in the station at Harrisburg say that at that city they could hear the roar of the cannon. Victory on that field saved Harrisburg and Philadelphia. It saved New York, and, in my judgment, based on a somewhat careful reading of history, it saved the Union. I care not from what private individuals or corporations the money to pay these troops was secured in a crisis like that; they were entitled to repayment in full with interest. The bondholders have been paid interest on every bond. The men who advanced the money to build the Panama Canal all receive interest; but we are told that the men who paid the militia of Pennsylvania to help save Pennsylvania and the Government of the United States ought never to have received a cent of interest. They were merely saving their banks and other private property!

For myself, I shall cheerfully vote for this bill. [Applause.]

Mr. MANN. Mr. Chairman, I yielded to the gentleman for a question, and, as a rule, I am glad to yield to him, and I rarely yield for a question that he does not make a good speech. However, the gentleman has read only a part of the report. This notation upon the voucher, which was issued according to a general reading, one would say that these accounts were never adjusted and settled by the Government. Of course, when the money was paid to the State of Pennsylvania in the first instance, before the pay rolls had been examined and the final settlement by the department, the question was left open as to the final amount, and the gentleman reads that with great avidity, because he happened to see that in the report, but after that the accounts were settled by the War and Treasury Departments and the amount was found due and no question was raised by the State of Pennsylvania. Nobody dreamed in Pennsylvania at that time of coming to the Government and getting a little picayunish interest. Gentlemen, give credit to the State of Pennsylvania in reference to repelling the invasion. No one would deny that, but the credit would be far greater to the State of Pennsylvania for having done what it or its citizens did in repelling the invasion if it were not now seeking to get from the Government, years after most of the survivors have passed away, the last cent it can extract. The credit is a credit that usually belongs to very miserly men.

Mr. FOCHT. I would like to interrogate the gentleman.

Mr. MANN. Certainly.

Mr. FOCHT. Does not the gentleman know that for all the destruction wrought in Pennsylvania during several invasions following the appearance of Lee there that not a cent has ever been paid, and that there are bills here now amounting to something like $10,000,000, presented by the chairman of the Com-

mittee on War Claims, and that you have helped deny them? If we had the last farthing, the last cent that is due us——

Mr. MANN. You will not as long as you have imaginary men in Pennsylvania. I have helped to pass a good many claims for Pennsylvania. The War Claims Committee in this House, now presided over so ably by the gentleman from New York [Mr. LAW], was for many years presided over by a distinguished gentleman from Pennsylvania, who never lost an opportunity to do, at least, fairly by his State.

Mr. LAW. Mr. Chairman, here is only one point that I wish to refer to. The gentleman from Illinois [Mr. MANN] has said in substance that the State of Pennsylvania never thought of this claim until after the settlement of 1866, and that then it discovered the claim through the agency and instrumentality of a claim agent. I want to call the attention of the House to the fact that long before the settlement of 1866, or a year before, in February, 1865, the legislature of the State of Pennsylvania adopted a resolution calling upon the United States Government to reimburse it for the entire amount, including the amount that the State of Pennsylvania is claiming now. That was before the settlement of 1866, and the only reason why the Secretary of War did not allow this item in the settlement of 1866 seems to be that he used as the basis of the settlement the pay rolls, which, of course, did not show the amount that the State of Pennsylvania paid to the Rogers committee in the way of interest.

Now, I call for the reading of the bill.

Mr. SIMS. Mr. Chairman, I wish to say just a few words. I do not want any misapprehension to grow out of the fact that the words "claim agent" have been used. That means an attorney employed by the State of Pennsylvania to look after this claim before Congress or before the courts, and it does not mean any reflection upon the delegation from the State of Pennsylvania, and it does not mean really that Congress will not do anything except at the importunity of a paid attorney. But I have not a bit of doubt from all the facts in this case that the auditing officers of the Treasury at the time believed that they could not lawfully pay this interest, and it was left out, and the settlement made under the act of 1866 was made on the idea that it was similar to interest on an obligation of the United States, which the Supreme Court afterwards held in the New York case did not apply; that the interest the State paid to procure a fund was as much a debt of the Government as the principal that the State incurred, and this claim, of course, is on all fours, so far as law and principle is concerned, with the decision in the New York case, under which all these other claims were paid.

But here is a question that arises as a matter of policy as to what Congress will do as to paying stale claims, or claims that could have been paid, and paid at the time when witnesses who knew the facts were living. And I am satisfied in this particular case that the reason it was not originally paid was that the auditing officers of the United States reported, which report was accepted by the officers of Pennsylvania, that they did not believe it was a legal charge. It seems that some attorney informed the authorities of Pennsylvania that this claim could be collected, and I suppose he was employed by the State, which the State had a right to do. My recollection is that I asked him what his fee was, and it was a reasonable one. So I meant no reflection.

But we are continually met on that committee with old claims, and claims that would be barred between citizens of the State on account of limitations and on account of staleness. It is a dangerous thing, usually, although it may not apply to a case like this where you have records to go by, to pay and continue to pay claims without limit of time, because the Committee on War Claims usually does not have the time to go into all the facts, and usually proceeds on ex parte statements, unless the claim is referred to the Court of Claims. It looks to me as if there was an inexcusable negligence on the part of the officers of the State of Pennsylvania in not bringing this claim forward as soon as they knew it could be collected. We must draw a line somewhere as to time, and I think there is a greater degree of diligence imposed upon officers of a State to look after the claims of a State where they have legal advisors and attorneys general, and so on, than upon private individuals who perhaps did not know that there was a claim existing. Yet all the time we are turning down claims in committee on account of laches or for failing to present in due time their claims to be collected. I do not mean any reflection against the employment of a lawyer, perhaps one of the best in the country; I do not think it is any reflection upon the representatives of Pennsylvania that the State did employ a lawyer to represent its interest, neither do I think that it is evident that the United States is not willing to do justice to Pennsylvania or any other State, but it does seem to me that those who do employ lawyers get their business through the committees and through the House much more expeditiously.

Mr. CAMPBELL. Mr. Chairman, I have no doubt that the State of Pennsylvania presents an equitable claim against the United States for moneys raised by the Rogers committee and expended in the payment of the State militia at a very critical time in the history of the country. I have no doubt, at the same time, that the United States has a just and equitable claim against the State of Pennsylvania for money had and received. I did not state that plainly a moment ago. I am not able to state it now, but the amount is ascertainable. I want, however, to leave that matter stand and to refer to another matter that this question brings up. There are a number of States——

Mr. STERLING. Will the gentleman yield for a question?

Mr. CAMPBELL. I yield for a question.

Mr. STERLING. Does not the gentleman think that the language of the act determines whether this is a loan which the Government made to Pennsylvania?

Mr. CAMPBELL. No; it was the distribution of money, and the claim would be an equitable claim for money had and received.

Mr. LAW. Does the gentleman think there was any intention upon the part of Congress at that time that this money should ever be returned by the States to the General Government?

Mr. CAMPBELL. The language of the act does not show it. There was a surplus of money in the Treasury of the United States, and the distribution was made to the several States without a statement or provision for its return. The then administration thought there was a necessity to get rid of the money, and made one semiannual distribution. Certain policies, however, brought about conditions that did not bring money into the Treasury, and it was discovered that they had made a great mistake in making the first semiannual distribution, and no other was made.

Mr. STERLING. The gentleman will concede that it was not a loan, and the only claim that the Government would have in the case would be for money had and received?

Mr. CAMPBELL. Yes; for money had and received under that distribution. But what I want is to call the attention of the House to another fact. The State of Pennsylvania raised a large number of troops that enlisted regularly in the United States Army. It also raised a State militia, and it is out of the raising of that militia that this claim now arises. There seems to be a disposition by Congress to recognize the right of the State of Pennsylvania to call out certain of its citizens and enlist them in a State organization known as the militia, for the benefit of the United States. Pennsylvania borrowed money with which to pay its militia, and the effort is to make that money so borrowed a just claim against the United States.

I want to call attention to the fact that these men so enlisted in the militia of Pennsylvania do not now occupy a pensionable status in the United States on account of the military service rendered. The State of Pennsylvania is asking for interest on the money that was used in paying them their salaries or for their clothing and rations, and at the same time is not asking the Government to pay these men who rendered the services pensions for the disabilities that they have since incurred or incurred at that time. These men do not now occupy a relation to the Treasury of the United States which it is sought to give to the men who furnished the money. There is a great deal said now about recognizing money and property and the rights of money and property above the rights of men. I fear sometimes that there is too much of a disposition on the part of everybody to recognize the rights of property and the rights of money above the rights of individuals.

The State of Missouri, the State of Illinois, the State of Tennessee, the State of Kentucky, and the State of Kansas furnished militia that rendered valuable service in the preservation of the Union, and these men live in the same communities with the regularly enlisted soldiers of the Army of the United States. These regularly enlisted soldiers get whatever of pension is allowed under general and special acts; but the militiamen are denied that pensionable status. There are bills pending, or have been pigeonholed in the committee rooms of this Capitol for 40 years, which sought to give them a pensionable status.

It is impossible to get favorable reports upon these bills, and I now call the attention of this House to the reason that is invariably given for not making favorable reports upon them: "Lack of sufficient money;" "Not enough revenue;" "It would deplete the Treasury." I want to call the attention of gentlemen on this floor now to the fact that we are proposing to deplete the Treasury to the amount of—how much is it?

Mr. FOCHT. Forty-three thousand dollars at the outside.

Mr. CAMPBELL. The amount is not important. It is the principle that is important.

Mr. MOORE of Pennsylvania. The amount of this claim is not in excess of $43,000.

Mr. CAMPBELL. Whatever the amount is, I say it is a recognition of the right to collect interest for money used in saving the Union, while we are from year to year neglecting to place upon a pensionable status men who did fighting under the employment for which this money was used.

Mr. MANN. Money used in paying State militia and the interest on that has been paid to no other State.

Mr. MOORE of Pennsylvania. Does the gentleman contend that these men who constituted the militia under the circumstances described are entitled to a pensionable status?

Mr. CAMPBELL. Why, undoubtedly.

Mr. MOORE of Pennsylvania. Then why deny the money that we are endeavoring to return now that was paid to them under the auspices of the Commonwealth?

Mr. CAMPBELL. They got their pay for the services they rendered at the time, I take it, or got the rations. This money is not to go to these men. It is to go as interest to the men who loaned the money to the State of Pennsylvania half a century ago.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to take just a moment of his time to read the last clause of the letter of the governor of Pennsylvania with regard to this matter? The gentleman from Illinois [Mr. MANN] practically questioned the courage of the men who enlisted—questioned their patriotism.

Mr. MANN. Oh, not at all. I will not have that said. I would not question the courage of anybody from Pennsylvania.

Mr. MOORE of Pennsylvania. I am very glad the gentleman acknowledges that.

Mr. MANN. I did not question the courage of these men at all.

Mr. MOORE of Pennsylvania. Evidently I misunderstood the gentleman from Illinois. I am very glad to observe that the gentleman from Kansas [Mr. CAMPBELL] does not agree with the opinion attributed to the gentleman from Illinois [Mr. MANN], which I am advised I attributed to him wrongly; but this was a question of honor with the governor of Pennsylvania, and I think this one clause from his letter may perhaps help the gentleman to a better understanding of the services actually performed by these men, who took all the risk of regular soldiers, who went out to lay down their lives just as the other men did who had been longer in the service, and who are entitled to just as much credit for the relative period of time they served.

Mr. CAMPBELL. That is what I am contending, exactly.

Mr. BUTLER. They ought to be pensioned.

Mr. CAMPBELL. I am contending that they rendered the service, and we are showing a disposition to pay interest upon the money that was loaned to the State of Pennsylvania, but we are denying these men and others who served like them a pensionable status, because that pensionable status would cost the United States Treasury some money.

Mr. MOORE of Pennsylvania. Leaving aside this question of pensionable status raised by the gentleman, all we are asking is that the money the State paid these men who have not been given a pensionable status shall be returned to the State. These men were paid for the service they actually performed for the short period of time they were engaged, but they have not been pensioned.

Mr. CAMPBELL. Oh, I would be very glad, indeed, if the men who rendered that service could get this money; but they are not going to get it.

Mr. LAW. I have been led to infer that the gentleman from Kansas may be slightly confused. This money goes, not to the Rogers committee, but to the State of Pennsylvania, for money paid as interest to the committee. Individuals have no interest in it.

Mr. CAMPBELL. That is what I am contending. Individuals have no interest in it. It goes to the State of Pennsylvania on an old interest account.

Mr. OLMSTED. Simply to reimburse the State for the actual money that was expended, without any interest to the State at all.

Mr. CAMPBELL. And what I am complaining about is that we are showing a disposition to take money out of the Treasury to pay interest on account of the militia, when we are unwilling to pay money to the militia, because it is too great a drain upon the Treasury; and I shall refuse to vote a single dollar out of the Treasury of the United States, on account of interest or principal, for matters of this kind, until gentlemen are willing to place these men on a pensionable status. [Applause.]

They are in Pennsylvania, they are in Missouri, they are in Kansas, they are in Tennessee, they are in Kentucky, and in other States of the Union; and while we are met at the door of the committee rooms of this Capitol with the warning that we must not make too great raids on the Treasury in demanding increased pensions, I wish to say that I shall refuse to vote a single dollar out of the Treasury for the purpose for which this bill is brought in here until there is a disposition to show a like liberality in behalf of these men who did so much for the country at a very important time in its history.

Mr. PEARRE. Mr. Chairman, I desire to voice my opposition to this bill in a few words, and to give as a reason for my opposition to it that there ought to be some degree of uniformity and some degree of equality in the passage of legislation of this sort. There are now, Mr. Chairman, pending in the Committee on War Claims a large number of measures, introduced by various Members of the House from the various States, of a similar character to this bill now under consideration. I shall vote against all measures of this kind until there be some measure prepared, or some rule adopted by the House of Representatives, or by the Committee on War Claims, by which some degree of uniformity and some degree of equality shall be fixed by which these bills shall be treated with equality.

Now, Mr. Chairman, a suggestion has been made here by gentlemen who have addressed the House on this subject of the wonderful patriotism and courage and self-sacrifice of the soldiers of Pennsylvania, the militiamen of Pennsylvania, who stood in the way of Lee's advance when he invaded Pennsylvania, and it has been claimed for them that they not only saved the sacred soil of Pennsylvania, but that they saved the Union at the same time.

Mr. Chairman, while I would not detract one jot or tittle from the great credit due to the patriotic State of Pennsylvania and the wonderful patriotism and courage and valor of her sons, yet I would say, sir, that there are other States in the Union, even south of Mason and Dixon's line, districts, one of which I have had the honor to represent in this House for a number of years, a large proportion of the population of which displayed the same devotion to the Union, the same amount of courage, and were capable of the same amount of self-sacrifice of their material interests, for the purpose of not only protecting their own homes and firesides, but for the purpose of protecting the integrity and maintaining the unity of this great Government.

Mr. Chairman, bills are introduced for the purpose of compensating these States for expenditures to which they were subjected during the Civil War, for the purpose of protecting the Government of the United States and the soil of their own States, which we could not get any kind of consideration for from the Committee on War Claims. I have a very distinct recollection, a very painful recollection, of a case when a distinguished citizen from Pennsylvania, for a long time the distinguished head and chairman of this very Committee on War Claims, the honorable Thaddeus Mahon, offered a report—as I recall, a unanimous report of that committee—concurred in not only by Republicans, but by the Democrats of that committee, appropriating a sum of money to the city of Chambersburg on account of the fact that the Confederate general, McCausland, had burned that fair town because of the refusal to his demand for $200,000 to supply the depleted coffers of his army. At that time, and with that unanimous report on the floor of this House, the distinguished leader of the Republican party in the House of Representatives vigorously opposed the passage of that bill, and stated at the time that it was too long after the Civil War to be paying any more of these claims.

Now, Mr. Chairman, under the principle of a square deal, which is commonly expressed in the aphorism "What is sauce for the goose is sauce for the gander," it is time to have a square deal in regard to the war claims, and not to have great big States, with large and influential delegations, come in and get favorable reports from the committees of this House, while less favored and smaller delegations from other States can not secure consideration, and have one State treated as fish and the other treated as fowl.

Why, Mr. Chairman, I not only have to refer to the case of Chambersburg, but in my own fair district, the sixth district of Maryland, there was the distinguished and ancient and learned city of Frederick, at one time called the Athens of America; and when Gen. Early was making his raid for the purpose of surrounding and taking the city of Washington, what were the patriotic citizens of Frederick City and the State of Mary-

land doing? They stood at the battle of Monocacy and interposed obstacles to the advance of Early, and by giving battle, which they did, thereby delayed the advance of Gen. Early upon the unprepared city of Washington. But when Gen. Early demanded a similar indemnity of $200,000 from the citizens of Frederick, as Gen. McCausland had demanded from the citizens of Chambersburg previously, the people of the city of Frederick were compelled to raise that money, $200,000, under a threat of the destruction of the city, as Chambersburg would be destroyed. They continued their negotiations very diplomatically with Gen. Early for some time and thereby further increased the delay already caused by the battle of Monocacy of the advance of Early to Washington, thus giving the great Lincoln an opportunity to gather in forces and concentrate the armies of the United States in the city of Washington to defend the Capital and to prevent its capture. I would say to my distinguished friend from Wisconsin [Mr. COOPER] that if the people of Pennsylvania are to be praised for staying the hand of rebellion and saving the capital of the Nation at that time, why does he not raise his voice also in favor of the State of Maryland?

Mr. Chairman, this is an interest account, solely. I am quite familiar with the fact that the report of the committee shows that in a New York case the Supreme Court of the United States has decided that interest in cases of this sort, where there is a claim by a State against the Government, becomes just as much a part of the principal as the principal itself; but we can not close our eyes to the fact that that report shows that there is a suspicious similarity between the amount of this claim—about $42,000—and the amount of interest that is due upon the money advanced. I say, and as long as I remain in the House of Representatives I hope that it may be also said of all of Maryland's Representatives, that as long as they remain in this House they will vote against appropriations of this sort until some degree of equality is meted out by the action of the House of Representatives and by the action of the Committee of War Claims in cases of this sort. I am glad to see that the President of the United States has had the courage in his message, which was read before this House yesterday, to state boldly that these claims should be paid.

It is a very able state paper, which comprehended every interest in the scope of this Government, a paper which showed a close and intimate knowledge by the President not only with the great principles and policies which should govern this country, but with all of the details going to make up a proper conception of his public duty as the great head of this Nation, and, as I say, I am glad to see that in that paper he recognizes what Congress has not yet recognized, and what Congress as yet seems to be willing to fail to recognize for some time in the future, that these obligations of the Government should eventually be paid—not those that are stale any more than those that are fresh. If a stale claim is an honest claim, it should be paid, and the fact that it be a stale claim should not militate against its payment by the Government, if it be honest.

Cut out your dishonest claims, cut out your trumped-up claims, cut out your interest charges, and pay back to the people of the United States the honest dollars that the Government of the United States contracted to pay the people of the United States during the troublous days of the war, when the fate of the Nation hung in the balance. Mr. Chairman, it would not take a great deal of money. The President says in his message yesterday that we fail to recognize our obligations as debtors in many cases which would practically disgrace an individual if he refused to recognize the debt, and I say that the time has come when the Government of the United States should not be a bad debtor, but should be the best and soundest and most hopeful debtor of all, so that when any man has an obligation against the Government, which is based on justice and reason and equity, then he should have a chance to have it repaid—not that he will have to lobby or conspire or combine or "bend the pregnant hinges of the knee that thrift may follow fawning;" not that he may have to lick this man's hand or that man's hand; not that he shall have to make powerful combinations with the delegations of other States in this Congress, but that upon the justice and honesty of his claims the money will be paid by the Government of the United States. [Applause.]

Mr. RUCKER of Missouri. Mr. Chairman, the gentleman from Wisconsin [Mr. COOPER] is wrong, and the gentleman from Maryland [Mr. PEARRE] is wrong. It was not the brave and gallant State militia of the great Commonwealth of Pennsylvania that saved the Union. It was not the State militia of that State which once boasted of having the Athens of America within its confines that saved the Union, but it was the brave, stalwart, hardy, sturdy, undaunted State militia of Missouri that saved this Nation. [Applause and laughter.]

Mr. LANGLEY. I hope the gentleman will include the Kentucky Militia in that statement.

Mr. CAMPBELL. And Kansas also.

Mr. RUCKER of Missouri. I am generous enough, Mr. Chairman, to include the suggestion made by the gentleman from Kentucky and also the gentleman from Kansas. Mr. Chairman, I do not know anything about the merits of the pending bill, except as I have heard them state it here to-day. I neither affirm that the claim now being pressed upon this House for payment ought to be paid or that it ought not to be paid, but it seems to me this is an opportune time to make a few observations. I have been a Member of this House for some years. Nearly every year I have applied to committees, asking for recognition of some meritorious claim. In the presentation of these claims I have been baffled and set aside time and time again, and finally in the last extremity confronted with the proposition: Why has not this claim been allowed before? I contended for one claim here for five years and more, and at the very last I was rather criticized by the chairman for not having secured its payment before. It was a claim nearly fifty years old, a claim not sustained and supported by the testimony of men, but a claim sustained and supported wholly by the records of the Post Office Department of this Nation. Not a word from any mortal man was needed to establish the accuracy and justice of that claim, but still fifty years expired before the Government paid that one citizen his just demand.

To-day I have pending before the War Claims Committee, presided over by the distinguished gentleman from New York [Mr. LAWS], for whom I entertain such a high regard, a claim which I think possesses peculiar merit; but, unlike the claim now being considered, it is presented by an humble citizen, an old man to-day walking upon crutches, a poor, humble old man, one who followed that flag for nearly four years and fought for the preservation of this Nation. During his services an officer of his company took from him $830 in money and in Government bonds, and that officer expended $450 of that money, or about that sum, in buying musical instruments for his company. They tendered him back the residue, but the old soldier refused to take it because they would not return the whole sum taken from him. Let me say, to be entirely fair about it, this old soldier was accused of having won the money in some game. I think he must have come from Pennsylvania originally; he certainly was not a Missourian. No Missourian was ever charged with having acquired anything in a game.

Mr. LANGLEY. They always lose.

Mr. RUCKER of Missouri. I think likely he was born in the State of Pennsylvania, and that he left home and went to a greater State, the State of Missouri.

Mr. OLMSTED. We always ship that kind to Missouri.

Mr. RUCKER of Missouri. Some sort of an informal inquiry was made of which there is no record. I think I state the facts correctly, if I do not, the chairman of the committee will correct me. It was found by the board of inquiry that $450 of the money taken was obtained as the result of some game of chance. This old soldier protested against the finding of that board of inquiry, whatever it was called, denied that he received one dollar of the money thus taken from him by his superior officer otherwise than by honorable and lawful means, and demanded the return of his property. The Government of the United States refused to return the money, but, on the contrary, spent, through its officers, $450 of that old man's money to equip its company with musical instruments. For 10 years I have pleaded with and begged committees of this House to report in behalf of that old man, who is now bowed with the weight of years, is very poor, but an honest and honorable citizen of this great country. I have urged them to report a bill by which he could, in his declining years, recover from the Government the money which the Government has had ever since the Civil War. At the last session of this Congress it was suggested to me that probably the committee would waive the objection that the claim was old and stale and report a bill carrying about $350. If the committee ever reports this bill for a sum less than the full amount due this old man, I will appeal to the membership of this House to so amend the committee's report as to pay every dollar of this just claim.

Until such claims as these are paid, it seems to me the great committees of this House would do well to pigeonhole some of these claims presented in behalf of great Commonwealths of this Republic. Let me say in voicing again the sentiment expressed by the gentleman from Maryland [Mr. PEARRE], that I do not believe in repudiation. If the Government of the United States owes a Commonwealth, or if it owes a citizen, the Gov-

ernment ought to pay regardless of the length of time that has elapsed between the incurring of the debt and the presentation of the claim for payment. The only question ought to be, Is it a bona fide, honest claim? If so, the Government of the United States ought not to set the precedent or the example to its citizens of repudiation. I do not care how old a claim is. If it is meritorious it ought to be paid. It ought to be a matter of shame to the Government that it permits a just debt to slumber as long as many meritorious claims do.

Now, one word more. Some reference has been made here to the fact that State militias which performed valiant and valuable services for the Government during the time of the Civil War have been denied pensionable status. That is true. The State of Indiana, I believe, the State of Kansas, the State of Kentucky, the State of Missouri, and other States have remnants of that band of old soldiers living within their borders who have for 40 years been ignored by the Government they served faithfully and well. That these men performed identically the same service, obeyed the commands of the same Federal officers, fought the same battles that many enlisted soldiers did, no one will deny; but simply because they were not enlisted and sworn into the Federal service, Congress has persistently and stubbornly refused to give them pensionable status. I say to you, Mr. Chairman, and to the gentlemen on this floor, that the time is coming, I believe, when the people of this country will demand that justice be done these old militiamen, even though it may necessitate some economy in our expenditure of many millions of dollars in foreign lands.

I hope that before this Congress adjourns it will do itself the honor to pass a bill which will do justice to these old soldiers, who are scattered over many States of the Union, by giving pensionable status to every State militiaman who performed like services to those performed by the regularly enlisted men. [Applause.]

Mr. FOCHT. Mr. Chairman, I have listened to the impassioned utterances of the gentleman from Missouri [Mr. RUCKER] and the gentleman from Maryland [Mr. PEARRE] with regard to the heroic services rendered by the soldiers from those two States. I also recognize that there are many just bills pending that should be brought on this floor and passed. I am in hearty accord with their views with respect to these ancient bills as well as modern bills, if they are just, and think they should all be paid. I am sorry that the gentleman from Maryland [Mr. PEARRE] is not here. My district adjoins his, although in another State. I wish to say to him, as well as to the gentleman from Illinois [Mr. MANN], that we would not be here for this interest charge, nor would the fair town of Chambersburg, so beautifully alluded to by the gentleman from Maryland, have been consumed by the torch, had it not been that the troops of Pennsylvania, that might easily have repelled McCausland, were down here defending the Capital City of Washington.

Now, my friend from Missouri and my friend from Maryland, let us be fair. If there are just claims there, I will stand with you as a member of the War Claims Committee and as a Member of this Congress and as a Member-elect of the next Congress, but do not let us delay them. We never will have presented a bill that is in better form or better proved with respect to documentary evidence than this. Never again will you have an opportunity, probably, of vindicating the desire, if not the command, of the immortal Lincoln. So let us begin right now to do justice and let us pass this bill.

Mr. Chairman, I understand it costs $10,000 an hour to run this House. We have now talked two hours. That is $20,000 gone. This bill calls for $42,000. In heaven's name, let us close the debate and pass the bill and save the other $10,000 which further debate will entail. [Laughter.]

Mr. LAW. Mr. Chairman, I call for the reading of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby directed to readjust and settle the claim of the State of Pennsylvania against the United States for money paid to its militia for their services while employed in the service of the United States in the year 1863. And in such settlement said officers are directed to allow the State for money which it paid as interest on money borrowed to pay for said services.

Mr. LAW. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding at the end of line 10 the following: "Not to exceed the sum of $43,000."

The question was taken, and the amendment was agreed to.

Mr. LAW. Mr. Chairman, I move that the committee do now rise and report the bill favorably with the amendment.

The motion was agreed to.

Tht committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 6951), "An act for the relief of the State of Pennsylvania," and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. LAW, a motion to reconsider the vote by which the bill was passed was laid on the table.

CODIFICATION OF LAWS RELATING TO THE JUDICIARY.

Mr. MOON of Pennsylvania (when the Committee on Revision of the Laws was called). Mr. Speaker, I am directed by the Committee on Revision of the Laws to call up for consideration the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary.

The Clerk read as follows:

A bill (H. R. 23377) to codify, amend, and revise the laws relating to the judiciary.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the first reading of this bill be dispensed with. It is a very long bill, and it would require a very long time to read it through. I desire to propose that it be considered in the House sitting as Committee of the Whole, under the five-minute rule, so that every section will be fully considered.

Mr. CLARK of Missouri. I do not know that I have any objection to that, but nobody knows what this is.

Mr. MOON of Pennsylvania. I propose to explain it.

Mr. COOPER of Wisconsin. Will the gentleman yield to me for a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. COOPER of Wisconsin. Does the gentleman think that if this motion is adopted there will be any other business considered on calendar Wednesdays in this session?

Mr. MOON of Pennsylvania. I think it can be disposed of rapidly, and I want to explain the matter fully. In the first place, this bill is measured by 203 pages, and that is a very correct measurement of the extent of the bill; but there are 89 pages of this bill——

The SPEAKER. The gentleman from Pennsylvania will please suspend for a moment. The Chair is a Member of the House, and the Chair has not entertained the motion the gentleman makes to dispense with the reading of the bill. The uniform practice of the House requires unanimous consent to dispense with the reading of a bill.

Mr. MOON of Pennsylvania. My idea was, Mr. Speaker, that I had asked unanimous consent. If I did not, I now ask for unanimous consent to dispense with the first reading of the bill.

Mr. MANN. Let me suggest to the gentleman from Pennsylvania that he put all his requests at one time—that he wishes to ask unanimous consent to dispense with the first reading of the bill and to consider the bill in the House as in Committee of the Whole under the five-minute rule.

Mr. MOON of Pennsylvania. That, Mr. Speaker, is the object that I had in view; and in obedience to the suggestion of the gentleman from Illinois, I will put it in that form. I do ask, I repeat, unanimous consent to waive the first reading of the bill and take up the bill in the House as in Committee of the Whole under the five-minute rule.

The SPEAKER. In the judgment of the Chair, the bill ought to be read at some time.

Mr. MANN. The bill will be read in the committee under the rule, I suggest to the Chair.

The SPEAKER. Well, the Chair feels, as a Member of the House, it is his duty, if no one else objects, to object, unless the gentleman would couple with his request such a provision as would assure the reading of the bill once before the House is required to vote upon it.

Mr. MANN. I assume that the intention of the gentleman was to ask unanimous consent to have the bill read in the House section by section, and considered in that way for amendment under the five-minute rule. If that is not the understanding at the desk, certainly that wants to be made clear.

Mr. MOON of Pennsylvania. I did not suppose that there would be any doubt that that would be the effect of what I asked, and that it would be read in such a way implies that it would be the reading of it all through once.

The SPEAKER. The gentleman modifies his request accordingly.

Mr. HENRY of Texas. Mr. Speaker, what is this bill?

Mr. MOON of Pennsylvania. It is a bill to revise and codify the laws relating to the judiciary.

Mr. HENRY of Texas. Mr. Speaker, for the present I object.

The SPEAKER. The Clerk will report the bill.

Mr. CLARK of Missouri. Is there anything in this bill to raise the salary of anybody?

Mr. MOON of Pennsylvania. Absolutely not one dollar.

Mr. OLMSTED. Or to reduce the salary of anybody?

Mr. MOON of Pennsylvania. Yes. When I come to explain the bill I will make that clear.

Mr. CLARK of Missouri. Do you create any new offices?

Mr. MOON of Pennsylvania. Absolutely none; and we eliminate some that are already in existence.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GOLDFOGLE. Reserving the right to object, I should like to inquire of the gentleman from Pennsylvania, first, how many amendments to the existing statute are incorporated in the bill?

Mr. MOON of Pennsylvania. It is difficult for me to answer that, but there are comparatively few. There is one general amendment that runs entirely through the bill. I propose to explain that more fully when I come to make my statement about the bill. It does not exist in the form of an amendment at any one place, but in the rearrangement of the courts the principal point is that we have eliminated the original jurisdiction of the circuit courts. That appears in no particular amendment, but it runs through the bill in the reorganization of the courts. Aside from that, I should imagine that there are not very many amendments. I am speaking, of course, from recollection, but there are very few, except the most formal amendments, which are necessary for the purposes of revision and codification. There are practically none of substantive importance, beyond what I have stated.

Mr. GOLDFOGLE. Does the gentleman from Pennsylvania mean to have it understood that, except in the few particulars to which he has referred, the laws in the revision remain as in the existing statute?

Mr. MOON of Pennsylvania. Exactly. This is in all other respects a codification, in which we have collected, from hundreds and thousands of pages scattered through the Statutes at Large, the laws relating to the judiciary and codified them in this way.

Mr. GOLDFOGLE. Have you not in some respects consolidated the circuit courts and the district courts, or transferred jurisdiction from one to the other?

Mr. MOON of Pennsylvania. I have already stated that in the reorganization of the courts we have left out the original jurisdiction of the circuit courts.

Mr. GOLDFOGLE. How have you arranged with regard to the judges of the courts?

Mr. MOON of Pennsylvania. We have made no change whatever. It is not within our power to do that. We have left the judicial system in that respect the same as it has been.

Mr. MANN. They have changed the names, that is all.

Mr. MOON of Pennsylvania. We have not even changed the name. We have left the circuit court almost the same as it is to-day, with the nomenclature of the circuit court of appeals. The circuit court judges, under this law, do what they do to-day in practice; that is, confine themselves to work in the circuit court of appeals. The district court judges, under our bill, do what they do to-day in practice, exercise original jurisdiction in all the trial cases in United States courts. We do not alter the arrangement of business. We do not alter the compensation of the judges, we do not enlarge or diminish the judiciary, or in any sense make any change whatever in the system in that respect.

The SPEAKER. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I withdraw my objection.

The SPEAKER. The Chair hears no objection. The Clerk will read the first section.

Mr. MANN. Mr. Speaker, I suppose there is to be general debate. It was understood that the gentleman from Pennsylvania was to explain the bill.

Mr. MOON of Pennsylvania. Oh, yes; I propose now to proceed with the explanation of this bill.

The SPEAKER. When a bill is considered in the House as in Committee of the Whole, there is no general debate, but the House proceeds immediately to the consideration of the bill under the five-minute rule.

Mr. MANN. I ask unanimous consent that the gentleman from Pennsylvania [Mr. MOON], in the first instance, have an hour in which to explain the bill.

The SPEAKER. If there be no objection, general debate will proceed for one hour and a half, to be controlled by the gentleman from Pennsylvania [Mr. MOON].

Mr. CLARK of Missouri. That is satisfactory.

The SPEAKER. The Chair hears no objection.

Mr. MOON of Pennsylvania. Mr. Speaker, the bill presented to-day is a second installment of the great work of revision of the law which has been under consideration of this House for a number of years. It is not my purpose at this time to recall the history of the Revision Commission and the various steps taken by this House and by this committee during the last 10 years to get these bills so perfected that they might be taken up for final consideration. All Members here will, I think, remember that in the Sixtieth Congress, after nearly 10 years of active work, we succeeded in securing the revision and codification of the laws respecting crimes, or what is popularly known as the penal code.

When this work of revising the laws of the United States was originally submitted to it, our committee felt the impossibility of attempting to secure in one bill or during one session of Congress the revision of the laws of the United States, covering over 9,000 sections. They were reminded of the fact that the committee in 1873, at the time the laws were last revised, attempted that impossible task, and as a result of that attempt the work was rendered absolutely nugatory, and within five years from that time a new revision was authorized by this House by committing the work to one man, Mr. Boutwell, of Massachusetts.

Therefore we chose to take up separate subjects of the law which were capable of a natural subdivision, and for reasons not necessary here to refer to we reached the penal code first and enacted it into law March 3, 1909.

Proceeding upon the same lines, Mr. Speaker, the committee now presents for the consideration of this House that title in the Revised Statutes known as "Title 13—The Judiciary." This bill that you are now asked to consider is confined wholly to that subject and relates only to the courts. It contains 11 chapters and embraces the geographical division of the country into judicial districts, the organization of the respective Federal courts in that territory, the jurisdiction conferred upon these courts by the Constitution and under the respective acts of Congress and treaties made pursuant thereto, and to certain phases of judicial procedure in the exercise of that jurisdiction.

The bill is reported from the Committee on the Revision of the Laws. The report of the Congressional Revision Commission was referred to a joint committee of the House and Senate by public resolution No. 58. The report of the joint committee was unanimous in recommending the present bill. It was reported to the Senate in March, 1909, and the report to the House was referred by the Speaker to the House Committee on the Revision of the Laws, which reported it back to the House by unanimously adopting the report and recommendations of the joint committee.

The joint committee was empowered to revise and codify the laws and to recommend changes in existing law. In the performance of the work on the bill it met during the recess of Congress and spent much time and labor in perfecting it. It searched through the Statutes at Large to collect the various acts relating to the judiciary, and the bill presented comprises many hundreds of pages scattered through numerous volumes of these statutes. The work of examining, comparing, eliminating superfluous and repealed statutes, and codifying them into one concrete bill has been laborious, and this bill now before you for consideration represents the result of this completed work on this title.

The judicial power of the Federal courts of the United States has no parallel in any other country in the world. The great statesmen who framed the Constitution of the United States created their own model. Historic precedent for written constitutions did not exist, and while the philosophic scheme adopted by them of a complete separation between the judicial, legislative, and executive branches of the Government had been alluded to by advanced thinkers upon the science of government, no other nation had ever had the courage or the opportunity to hazard the future of a new State upon its successful practical adaptation to human needs. These wise builders were schooled in the experience of the strenuous times in which they lived. The necessity for a union of the colonies during the Revolution and their disastrous experience under the Articles of Confederation had taught them the absolute necessity of a supreme judicial power, and had led them to realize that that judicial power should be equal to and coordinate with the legislative and the executive departments of the Government; and they, therefore, by that instrument created a judicial tribunal, invested it with an authority and clothed it with a legal power unknown to the most advanced nations of the earth—a power which in its appropriate sphere is absolutely supreme, from

whose decree there is no appeal, whose jurisdiction is unbounded, extending from the sovereign States to the humblest citizen, and embracing in its limitless scope the legislative powers of Congress and the executive will of the President himself. Therefore, Mr. Speaker, because the provisions of this bill relate to this judicial system its importance to the country becomes at once apparent.

The principal feature of this bill and the one to which I desire to call especial attention in these opening remarks is a proposed reorganization of this federal judicial system, and this reorganization consists in the elimination of one of the existing courts of original jurisdiction, the Circuit Court, and the consolidation of this jurisdiction in the existing District Court. To explain the reasons for this proposed change it will be necessary for me to allude briefly to the history of the judicial scheme provided for by the Constitution of the United States, and completed by the various acts of Congress relating to the judiciary. The constitutional provisions respecting a Federal judiciary are as follows:

SECTION 1 (Article III). The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Paragraph 8, section 5, of Article I, under the enumerated powers of Congress, provides that the Congress shall have power—

to constitute tribunals inferior to the Supreme Court.

The Supreme Court is created by the Constitution itself, and one of the first acts of Congress was to establish the number of judges of which the court should be composed; to assign to it jurisdiction, and to create, define, and invest with jurisdiction such inferior courts as were necessary to discharge the duties of this coordinate branch of the Government.

On the first day of the opening of the first Congress there was introduced in the Senate by Oliver Ellsworth, of Connecticut, a bill for this purpose, which became a law on September 24, 1789, and is known in history as the Judiciary Act of 1789.

After providing that the Supreme Court of the United States should consist of one Chief Justice and five Associate Justices, and conferring upon it original jurisdiction in two classes of cases and vesting in it final appellate jurisdiction in all cases, arising under the Constitution and acts of Congress, the bill proceeded further to divide the entire territorial domain of the United States into judicial districts, and to establish therein a court, to be known as a district court, and to provide for each court a judge, to reside within the district, who should be known as a district judge, and to invest this court with certain jurisdiction in both civil and criminal causes. The next provision of the bill was to group the districts so created into three circuits, to be known as the middle, eastern, and southern circuits, and to confer certain jurisdiction upon these courts in both civil and criminal causes, and in addition to this original jurisdiction to invest this circuit court with an extensive appellate jurisdiction from the district court, and to provide that such circuit court should consist of two Supreme Court Justices and the district judge previously provided for.

It will be observed, Mr. Speaker, that this act, although it created judicial circuits, did not create the office of circuit judge, but provided, as before stated, that the judicial authority in these circuits should be exercised by two Supreme Court Justices and the district judge; and in this connection I desire to state that the office of circuit judge was not created by Congress for a period of 80 years, or until 1869, except the creation of the so-called midnight judges, by the act of 1801, which was repealed by one of the first acts of the Jefferson administration and never went into effect. Immediately after the act of 1789 became law, President Washington appointed John Jay, of New York, Chief Justice of the Supreme Court, and the following-named persons accepted commissions as Associate Justices: John Rutledge, James Wilson, William Cushing, John Blair, and James Iredell.

The Supreme Court of the United States met for the first time in the city of New York on the first Monday in February, 1790, and organization was perfected by appointing a clerk, and the court then adjourned for want of business. The simple and unimposing ceremonies of the opening of this great tribunal gave little promise of its future greatness, and it may be interesting to the Members of the House if I read a few lines of description of that momentous event from the pen of a very distinguished member of my own bar, the Hon. Hampton L. Carson, author of "A History of the Supreme Court of the United States." Mr. Carson says:

Not a single litigant had appeared at their bar. Silence had been unbroken by the voice of counsel in argument. The table was unburdened by the weight of learned briefs. No papers were on file with the clerk. Not a single decision, even in embryo, existed. The judges were there; but of business there was none.

Not one of the spectators of that hour, though gifted with the eagle eye of prophecy, could have foreseen that out of that modest assemblage of gentlemen, unheard of and unthought of among the tribunals of the earth, a court without a docket, without a record, without a writ, of unknown and untried powers, and of undetermined jurisdiction, there would be developed within the space of a single century a court of which the ancient world could present no model and the modern boast no parallel; a court whose decrees, woven like threads of gold into the priceless and imperishable fabric of our constitutional jurisprudence, would bind in the bonds of love, libert/, and law the members of our great Republic. Nor could they have foreseen that the tables of Congress would groan beneath the weight of petitions from all parts of the country inviting that body to devise some means for the relief of that overburdened tribunal whose litigants are now doomed to stand in line for a space of more than three years before they have a chance to be heard.

So little was known, Mr. Speaker, of the potential powers of this new tribunal, thus so inauspiciously ushered into existence, that the great lawyers of the country had little aspiration for appointment upon its bench. It is a significant fact and worthy of attention that while at this moment the eyes of the American Nation are fixed upon President Taft and watching with eager interest his appointment to two vacancies upon that bench, and while the greatest lawyers of this great land would feel that their selection to a position upon this high tribunal would be the greatest honor within the gift of the American people, yet in the early history of this court its dignity was not understood, its transcendent supremacy was not dreamed of, and the lawyers of that day had little conception of its greatness. Why, Mr. Speaker, I wonder if the lawyers of to-day remember that George Washington, during the brief period of his two administrations, made three appointments as Chief Justice of the Supreme Court, and that two of the distinguished lawyers so appointed resigned in order to accept more lucrative and more honorable positions. John Jay, appointed in 1789, resigned in 1796 to become governor of the State of New York. Oliver Ellsworth, appointed in 1797, resigned in 1801 to become chief justice of his native State of Connecticut. Robert H. Harrison, originally appointed by Washington as one of the Associate Justices, declined, preferring to accept an appointment to the position of chancellor of the State of Maryland, and John Rutledge shortly after his appointment resigned, and the position was declined by Charles Coatesworth Pinckney and Edward Rutledge, and William Johnson was finally secured as his successor; and in the year 1801, after the resignation of Oliver Ellsworth as Chief Justice, President Adams tendered the position again to John Jay, of New York, but he declined to accept it, and it may be interesting to this House if I read his brief lettter to President Adams stating the ground of his declination. Jay said:

I left the bench perfectly convinced that under a system so defective it would not obtain the energy, weight, and dignity which was essential to its affording due support to the National Government, nor acquire the public confidence and respect which, as the last resort of the justice of the Nation, it should possess. Hence, I am induced to doubt both the propriety and expediency of my returning to the bench under the present system.

Not only, Mr. Speaker, was the power and dignity of this great court misconceived by the legal profession, but it seems to have been misunderstood both by the legislative and executive branches of the Government, and early in its existence it was obliged to resist encroachments from both of these coordinate powers. In 1791 Congress passed an act to provide for the settlement of claims of widows and orphans, and to regulate the claims of invalid pensioners, and imposed upon the circuit court of the United States certain duties relative thereto, and made their action subject to the supervision of the Secretary of War and finally to the revision of Congress. The Chief Justice of the United States, with Cushing circuit justice and Duane district judge, refused to comply, and declared that neither the legislative nor the executive branches of the Government could constitutionally assign to the judiciary any duties but such as were judicial and that were prepared in a judicial manner, and that neither the Secretary of War nor any other executive officer, nor even Congress, were authorized to sit as a court of error. In 1793 President Washington, upon the advice of his Cabinet, being greatly embarrassed by the intrigue of Genet, the French Minister, who was endeavoring to involve this country in war in connection with the French revolution, requested of the Chief Justice of the Supreme Court an opinion as to the proper construction of the treaty with France. He requested advice upon certain legal questions most

interesting and important. Twenty-nine inquiries carefully formulated were submitted—questions of international law, condemnation prizes, etc. To these the Chief Justice declined to comply and asserted with dignity that it would be improper for them to anticipate any case which might arise or indicate their opinion in advance of argument.

In the early days, therefore, Mr. Speaker, no man clearly foresaw the scope of this new tribunal, but after the lapse of more than a century we are able to form a just judgment of the wisdom of our judicial scheme. The achievements of the Supreme Court of the United States as one of the coordinate branches of the Federal Government have more than realized the expectation of the founders of the Nation. It has discharged the fullest measure of its duty in the extension and development of the country. Without ostentation and with no physical power to coerce, it has summoned before its bar the sovereign States of the Nation and has declared their laws unconstitutional and void. It has subjected to its judicial investigation the acts of Congress passed by us and has decreed the limit of our legislative powers. It has by a bold legal interpretation imbued a rigid written Constitution with elasticity and life and molded it to the amazing changes of a progressive century, without in any degree impairing its stability as the chartered guardian of our national freedom; it has blazed the way of American progress by judicial decisions that have become the accepted and acknowledged guides of legislation, and when we look to find the constructive law of this nation we look for it, not alone in the statutes of the American Congress, but in the decisions of that great court. In Marberry *v.* Madison, Gibbons *v.* Ogden, Cohens *v.* Virginia, McCullough *v.* Maryland, Trustees of Dartmouth College *v.* Woodward, the Northern Securities case, and a hundred other Supreme Court decisions, we find the accurate bounds of constitutional and legislative power and the true legal principles that guide and control our national growth and progress; and at this moment the great commercial, financial, and industrial organizations of the whole country are waiting with intense anxiety the decision of that court in two great cases pending therein, which may revolutionize the established fabric of corporate activity as it now exists in this country and exercise a potential influence upon the industries of the world.

Mr. Speaker, the jurisdiction of the Supreme Court provided by the act of 1789 was almost wholly appellate. The court was in existence and ready to discharge its high functions, but, as Mr. Carson has so eloquently explained, there was not a single case upon its docket, and the first work of the Supreme Court Justices was therefore done on the trial of cases in the exercise of the original jurisdiction of the circuit court.

To carry out the provision of the judiciary act which assigned two Supreme Court Justices to each circuit, Chief Justice Jay and Associate Justice Cushing took the eastern circuit, Wilson and Blair the middle circuit, and Rutledge and Iredell the southern circuit, and in this capacity and in this order they began to lay the foundation of that judicial system which was soon destined to command the wondering admiration of the philosophical historian and to challenge the respect of the tribunals of the world.

The work in its beginning was strenuous and exacting, and I have no doubt that the difficulty in obtaining lawyers willing to accept this exalted position was in no small degree due to the rigors and hardships incident to this peripatetic judicial life. William Wilson, of Pennsylvania, one of the framers of the Constitution, and one of the greatest lawyers of his day, and one of the most illustrious of the Supreme Court Justices, lost his life while traveling in the southern circuit to assist his brother Iredell in the work of that circuit. But the foundation of our great judicial system was laid by these men in the circuits. Many of the most important trials in our early history were conducted by the Justices of the Supreme Court in these circuits. The memorable trial of Aaron Burr for treason was held in the circuit court at Richmond, Va., with John Marshall, then Chief Justice, presiding, and in the trial of that case was established by him a legal definition of treason which has become the recognized law of the land.

These were the palmy days of the circuit court. The people of the States knew little of the central court at Washington, and they resented its existence; they feared its power. They were slow to recognize the necessity of a court outside of the jurisdiction of their own State and administering laws other than the laws of their own creation, and the sessions of the circuit courts in the various towns and cities in the circuits where it was held were made the occasion by the Justices of the Supreme Court of acquainting the people with this new dual system of government, of reconciling them to Federal jurisdiction, and of enlightening them upon the chief political topics of the day. It was known long in advance, and on that day the people from the surrounding towns and cities flocked to the courthouse to witness the great sight of the opening of the circuit court, upon the bench of which sat two Justices of the Supreme Court and the judge of the district court. I hold in my hand an extract from a newspaper, entitled the "United States Oracle of the Day," published at that period, describing the opening of the circuit court in Portsmouth, N. H., as follows:

> Circuit court. On Monday last the circuit court of the United States was opened in this town. The Hon. Judge Paterson presided. After the jury were impaneled the judge delivered a most elegant and appropriate charge. The law was laid down in a masterly manner. Politics were set in their true light by holding up the Jacobins as the disorganizers of our happy country and the only instruments of introducing discontent and dissatisfaction among the well-meaning parts of the community. Religion and morality were pleasingly inculcated and enforced as being necessary to good government, good order, and good laws; for "when the righteous are in authority, the people rejoice."
>
> We are sorry that we could not prevail upon the honorable judge to furnish a copy of said charge to adorn the pages of the "United States Oracle."
>
> After the charge was delivered, the Rev. Mr. Alden addressed the throne of grace in an excellent and well-adapted prayer.

To the lawyer of the present day, familiar with the crowded calendar, the business atmosphere and the rapid performance of judicial duties in our Federal courts, this picture of a court holiday, a political address from the bench, and a closing prayer affords a striking commentary upon the changes wrought in judicial procedure by the lapse of a hundred years.

The district court, Mr. Speaker, was inaugurated with no imposing ceremonies; it was unostentatiously domiciled in the cities and towns of the country. The judiciary act of 1789 had created the district as the unit of the Federal judicial system. The territorial area of the country was divided into 13 judicial districts and a district judge was appointed in each, who was required by law to be a resident of the district from which he was appointed. The jurisdiction of this court, both civil and criminal, was extensive—exclusive in some cases—and concurrent with the circuit court in a large additional class of cases, both at common law and in equity. The definite location of this court, the fact that the judge was a resident within the district, and that it came more intimately in touch with the people of the various States and reached their most frequent needs, tended to popularize this new tribunal and to reconcile the people to the hitherto strange Federal jurisdiction. The additional fact that the district judge was also a constituent member of the circuit court and participated in the work of that court at all of its sessions laid a foundation for the recognition and development, in the State and among the people, of the necessity and adaptability of a dual system of jurisprudence, and led to an understanding of the principles of an allegiance to two distinct sovereignties—a State and a Federal.

The Federal judicial system thus launched and thus organized was an experimental one. It had no precedent in the judicial history of the world. Experience and actual trial could alone test its defects or give assurance of its wisdom. Tested by actual experience in the field of its operation, weaknesses were developed and acts of Congress from time to time passed to correct them. The Supreme Court had practically no original jurisdiction and was created by the Constitution as a court of last resort on appeal. Its supreme exercise of appellate power was the basis of its existence. The circuit court, in addition to its original jurisdiction, was also a court of extensive appellate jurisdiction, the judiciary act having vested it with such jurisdiction in all cases arising in the district court where the amount involved exceeded the sum of $50, and in all cases of admiralty and maritime jurisdiction where the amount involved exceeded $300. The district court was the only court whose jurisdiction was wholly original. As I have before shown, Mr. Speaker, when this judicial system was inaugurated, there was no appellate jurisdiction to be exercised by either the Supreme Court or the circuit court. No case had been tried. No errors had been committed. No ground existed anywhere for appeal. This fact was apparent, and therefore no circuit judges were created. The Supreme Court became a court of nisi prius and went out into the judicial circuits in a series of State trials to enforce the laws in the exercise of its original jurisdiction and to make the records out of which should grow the appeals which should finally be adjudicated by them as justices of the Supreme Court in the exercise of that appellate jurisdiction. But, Mr. Speaker, even the constitutional right of a Supreme Court justice to sit in the circuit court was so uncertain that it at one time became of itself a subject of litigation; and in a noted case, the case of Stuart *v.* Laird, reported in First Cranch, Chief Justice Marshall seriously questioned the constitutionality of such an assignment, but decided that practice and acquiescence for a period of many years, commencing with the

organization of the judicial system, had fixed the construction and that this cotemporary and practical exposition was too strong to be shaken or controverted.

The country expanded rapidly. New and vast subjects for the exercise of Federal power by the courts were developed, and what was originally supposed by the founders of the Government to be a limited Federal jurisdiction became one of stupendous scope. The docket of the Supreme Court, originally without an entry, began to grow. The judges of that court were necessarily gradually withdrawn from the circuit. The fact that certain members of the court had sat in the original case out of which grew the pending appeals tended to weaken the force of their final adjudication. The trial of causes in the district court began to multiply, and as these dockets increased in size appeals from its decisions became more and more numerous, and thereby the appellate work of the circuit court developed and grew rapidly. And it can be easily understood that the gradual withdrawal of the Supreme Court Justices from the circuit court devolved more and more work of that court upon the district court judge, because it must be remembered that, up till this time, there was no circuit court judge created and that the district court still consisted of a Supreme Justice and a district court judge.

As early as 1792 Congress modified the necessity for the constant attendance of the Supreme Court Justices in the circuit court; and by the act of 1793 they limited to one instead of two the number of Supreme Court Justices that should compose the circuit court, such action having been made necessary by the gradual growth of the docket of the Supreme Court itself. This unsatisfactory condition of the judicial system was intensified as the years went on and the country increased and subjects of Federal jurisdiction multiplied until, by the act of April 10, 1869, a practical reorganization of the system was effected.

It was provided by that act that there should be created a circuit judge in each of the nine circuits, who was given the same power as that possessed by the Justice of the Supreme Court allotted to that circuit. It further provided that thereafter the circuit court in each circuit should be held by the Justice of the Supreme Court allotted to that circuit or by the circuit judge or by the district judge of the district sitting alone; and by a further provision limited the duties of the Supreme Court Justice in the circuit court to a visit of once in two years. The change in our system of jurisprudence as effected by this act can be readily seen. The pristine dignity of the circuit court was diminished by the loss of the Supreme Court Justice. Its real usefulness was increased by the addition of a circuit judge, who would always be present in the circuit. Its future extinction was foreshadowed by the fact that its whole functions might thereafter be discharged by a district court judge sitting alone.

Now, Mr. Speaker, let us observe for a moment a practical operation of this system under the act of 1869. The Justices of the Supreme Court of the United States were practically withdrawn from the circuit, their time wholly occupied in the discharge of their constitutional powers as the court of last appeal. The circuit court of the United States, with an extensive appellate jurisdiction from the district court, was largely occupied in the exercise of that jurisdiction. It had but one circuit judge in a circuit of vast area, yet it still possessed and must still exercise a large original jurisdiction and it might be, and frequently was, constituted by a district court judge sitting alone. The district court continued to exercise the original jurisdiction conferred upon it by the act of 1789 and by the large number of acts of Congress passed since that time by which such increased original jurisdiction has been conferred.

This was the state of our judicial machinery and its practical operation after that time. Unsatisfactory as such a system doubtless was, and unsystematic in its distribution of the judicial business of the country and imperfect in its power to administer the Federal law, little complaint was heard as to its operation. But, Mr. Speaker, a new difficulty arose—one doubtless entirely unforeseen by the framers of that system—the marvelous expansion of Federal power, created by acts of Congress and judicial construction; the creation of new arts; the invention and application of new agencies in commerce and in the industries; the rapid settlement of the country and the phenomenal increase in population, so rapidly multiplied the number of cases brought to the Supreme Court of the United States that its dockets became overcrowded. The court was utterly unable to keep pace with the judicial growth of the nation. Justice was so long delayed and the settlement of the new legal principles so constantly arising and so essential to the national growth so long deferred, that Congress was petitioned from all sections of the country for relief and redress.

The growth of the appellate work of the Supreme Court had been slow. In 1801, when Chief Justice Marshall was appointed, the number of cases brought into it for adjudication was only 10 and the number during the five following years was 120, or an average of 24 a year. Within the five years ending in 1850 the number of cases brought into the court was 357, or an average of 71 a year, and Associate Justice Field, speaking on the occasion of the centennial celebration of the organization of the Supreme Court of the United States, in 1890, said:

> Up to the middle of the present century the calendar of the court did not average 140 cases a term and never amounted at any one term to 300 cases. The calendar of the present term exceeds 1,500 cases. In view of the condition of the court, its crowded docket, the multitude of questions constantly brought to it of the greatest and most extended influence, surely it has a right to call upon the country to give it assistance and relief. Something must be done in that direction and should be done speedily to prevent the delay to suitors now existing. To delay justice is as pernicious as to deny it.

Mr. Speaker, this universal demand for relief resulted in the introduction into this House a few months later, in April, 1890, of a bill entitled "An act to define and regulate the jurisdiction of the courts of the United States." This act provided in the first section for the total abolition of all of the original jurisdiction of the circuit court of the United States and the vesting of that jurisdiction in the district court. It provided further for the creation in each judicial circuit of the United States of a court to be known as the circuit courts of appeals, to consist of three judges in each circuit. The jurisdiction of this circuit court was to be wholly appellate and was formed by taking from the existing circuit court all of the appellate jurisdiction exercised by it, and by taking from the Supreme Court of the United States exclusive appellate jurisdiction in a very large number of cases then vested in that court and vesting final jurisdiction in this new court; and it also further provided for the creation of 18 additional circuit judges to fill the positions created in the new court.

This bill was reported from the Judiciary Committee and was passed by practical unanimity in the House (only 13 votes being recorded against it) on the 15th day of April, 1890, and was sent to the Senate of the United States. That body did not concur in the bill. It devised a different method for relieving the pressure upon the Supreme Court. It followed practically the provisions of the House bill in the creation of the nine new appellate courts. It refused to adopt that portion of the bill which abolished the original jurisdiction of the circuit court. The bill came back from the Senate in the closing days of the Congress, and on the 3d day of March, 1891, the day before the expiration of that Congress, the report of the conference committee was brought before the House for consideration. The House at that time was very reluctant to accept the amendment of the Senate bill, and several Members of the House having charge of the bill declared that their only reason for acquiescing in the conference report, which accepted the Senate provisions, was that the necessity for the relief of the Supreme Court was so great that something must be done at once, and that to refuse to accept the Senate amendment at that time would necessarily defer the adoption of any act for its relief, and that they adopted the bill with the Senate amendment with full knowledge of the fact that it left the judicial system in a defective condition and with the confident expectation that a future Congress, at some early time, would correct the mistake that they were then making.

This act of March 3, 1891, did relieve the Supreme Court of the United States. The new courts of appeals have become great courts, useful and effective. They exercise final jurisdiction in a very large number of cases with entire satisfaction to the whole country. But the defect of that act in continuing the original jurisdiction of the circuit court has grown more and more obvious year by year. The present status of the courts of the United States is as follows:

One Supreme Court, consisting of a Chief Justice and eight Associate Justices.

Nine circuit courts of appeals, one in each judicial circuit, consisting of three judges each. These courts may be composed of the Chief Justice of the United States, the Associate Justice allotted to the circuit, the circuit judges within the circuit, and the district judges within the circuit, any two of whom may constitute a quorum.

Seventy-seven circuit courts, one in each judicial district, which courts are required by acts of Congress to be held in 276 different places in the said circuits.

Seventy-seven district courts, which are required by acts of Congress to be held in 276 different places.

There are now 29 circuit judges who are qualified by law to perform the work of both the circuit courts and the circuit courts of appeals.

There are 90 district judges who are required by law to perform the entire work of the district courts and who by the act of 1869 are qualified to hold a circuit court sitting alone and by the act of 1891 are made constituent parts of the circuit courts of appeals.

There are in addition to these courts of general jurisdiction three special courts of the United States—a Court of Claims, created by the act of 1855, consisting of a chief justice and four associate justices; a Court of Customs Appeals, created by the act of 1909, consisting of a presiding judge and four associate judges; and a Commerce Court, created by the act of 1910, consisting of five circuit court judges, who are especially provided for in the act.

These courts, however, are courts of limited jurisdiction, created for special purposes, and their powers and functions are derived entirely from the acts creating them.

As has been seen, by acts of Congress, in each of the 276 places in which the courts must be held, there is a provision for holding both the circuit and district court and in each of these 276 places are maintained the organization and machinery of these two respective courts, both of which are courts possessing only original jurisdiction.

The jurisdiction conferred by acts of Congress upon these courts is, in a large majority of cases, concurrent, and in a comparatively few cases is exclusive jurisdiction conferred upon them. This jurisdiction differs very little in character and is distinguished by no controlling principle. They both have jurisdiction of civil and criminal cases, the only distinction being that the circuit court has exclusive jurisdistion in capital cases. In some cases the line of demarcation is simply the amount involved in the litigation; in some cases there exists a mere arbitrary division, giving the admiralty and maritime jurisdiction exclusively to the district courts, and matters relating to revenue to the circuit courts; and during the past 25 years few, if any, acts of Congress have been passed that conferred jurisdiction upon courts in which the same jurisdiction has not been conferred upon both the circuit and the district courts. The chief original distinction between the circuit and district court as created by the act of 1798 was that the circuit court was then invested with a large appellate jurisdiction from the decisions of the district court, and when the act of 1891 took away from the circuit court this appellate jurisdiction there no longer existed any reason in law or in principle for its continuation.

It is true that the circuit court is an historic court. It occupied a unique and useful position in the original judicial scheme. It played a conspicuous and honorable part in the introduction and upbuilding of the Federal system in the Nation. It afforded in those early days a notable and inspiring illustration to the citizens of the State of the parental care of the new Nation in sending among the people of the States the most notable judges of the land to administer justice to them. But the glory of its early days necessarily rapidly declined. The act of 1793, which withdrew one of the Justices from the circuit, weakened its importance. The act of 1869, which created the circuit court judge and made the district judge alone competent to hold a circuit court, and practically withdrew both Supreme Court Justices, pointed to its rapid decadence. The act of March 3, 1891, which took from it all of its appellate jurisdiction and relegated it to a court of limited scope and powers already exercised by the district court, completed its final overthrow and made the House bill of 1890, which provided for its entire extinction from the judicial system, a matter of prime necessity.

Let us examine carefully the actual operations of the two courts as they exist side by side in every subdivision of every district throughout the country to-day, numbering 276. In this vast territory there are 29 circuit court judges, residing in nine judicial circuits, upon whom is devolved the large and rapidly increasing labors of nine circuit courts of appeal. The eighth judicial circuit embraces 13 States, comprising an area vastly greater than that occupied by the whole Nation when the judiciary act of 1789 was passed. The ninth judicial circuit exercises in addition to its regular jurisdiction appellate jurisdiction from the treaty court in China and the district courts of the Hawaiian Islands and is the supreme court of the District of Alaska. The third judicial district is about to assume appellate jurisdiction from the courts of Porto Rico. A circuit court judge who sits in the trial of causes in his court of original jurisdiction is disqualified from sitting in his circuit court of appeal when such cases come before it, and in order to maintain a full bench a district judge in the circuit must be taken from his work in the district to sit with the other circuit court judges.

The district court judges now perform substantially all of the work of the circuit court in every circuit in the land. Your committee made a careful investigation of this subject. They addressed, through the Department of Justice, letters to all of the circuit court clerks of the country, and found from official information thus obtained the following facts: In the year 1908 out of a total of 18,000 days on which circuit courts were held throughout the United States the circuit judge sat in those courts only about 2,000 days, or about 11 per cent of the time, while for the remaining 16,000 days the court was presided over by the district judge. In 22 States circuit courts were held exclusively by the district judges, and in six other States the total aggregate of days in which the court was held by the circuit judge did not exceed two days for each State. Even this statement does not show with entire accuracy the extent of the abandonment by the circuit court judge of the work in his court of first instance, because of the 2,000 days placed to his credit a substantial portion of that time was employed in hearing motions and in discharging the duties of the circuit court in the city in which he lived. Mr. Speaker, this statement carries with it no imputation of neglect of duty on the part of the circuit judges. No more conscientious, industrious, and self-sacrificing body of judges exist in the world than the circuit judges of the United States. They have neither the time, the strength, nor the means to travel over these thousands of miles of territory and sit in the 276 places that Congress has fixed for holding circuit courts, and there exists absolutely no reason why they should do it.

In every district resides a district judge. Under the act of 1869 he is as fully qualified to hold a circuit court sitting alone as is the circuit court judge. He is equally learned in the law. He has a better acquaintance with the people and the environments of the causes arising in the district, and he has the time to transact the business, and he has now for a number of years conducted these courts to the entire satisfaction of the respective communities and to the honor and credit of the Government; while if the 29 circuit court judges should attempt the impossible task, it would so delay and obstruct the work of the circuit court of appeals as to defeat the purpose of the act of 1891, and would bankrupt the judges themselves to pay their traveling expenses. Yet, because under existing laws certain exclusive original jurisdiction is given to the circuit courts, there is necessarily maintained in every district of the United States, and in every division thereof, the complete machinery of a circuit court, consisting of court rooms, clerks, dockets, marshals, and all of the extensive and expensive features of a court organization. The commingled jurisdiction between it and the district courts is perplexing and oftentimes confusing to litigants and attorneys. Its exclusive jurisdiction is not based upon any organic principle of distinction, and there exists no longer any reason either in theory or practice why the original jurisdiction of this court should be maintained.

The reorganization of the courts, therefore, as provided by this bill will substitute for the present cumbersome, impracticable, confusing, and expensive judicial system a simple, concrete, elastic, and logical one; will eliminate a court of original jurisdiction wholly unnecessary and in practical operation long since fallen into disuse. It will not displace a single judge or change the present general practice of the courts. It will simplify the proceedings by consolidating jurisdictions and by having all cases in courts of first instance and all pleadings filed therein brought and filed in the district court, and will preserve the same plan of judicature originally designed by the framers of the Constitution and adopted by most of the States, to wit, one court of original jurisdiction, an intermediate court of appellate jurisdiction—final in many cases—and the Supreme Court as the court of last resort.

Certain provisions contained in the bill make the plan recommended in this revision as fully elastic as the present system and avoids the necessity for the creation of any new judges. It is provided that if in any district the work devolving upon the district court is too heavy to permit its prompt transaction by the district court judge, a circuit court judge, not fully occupied, may be designated to perform the work as a district judge under exactly the same principles and regulations as district court judges now perform the work of circuit court judges. The plan has been recommended by the American Bar Association and by many of the leading lawyers and judges of the country, was once adopted by this House, and we hope it will now become law.

Mr. MANN. Will the gentleman allow an interruption?

Mr. MOON of Pennsylvania. Certainly.

Mr. MANN. In the last railroad bill that we passed we provided in reference to the issuing of writs of injunction that the district judge should call in a circuit judge to help him pass

upon the matter of dissolving or maintaining interlocutory injunctions. The gentleman from Pennsylvania has stated that in the eighth circuit—and, of course, that is an extreme case—these judges receive no extra compensation, but do receive traveling expenses when away from home at some other point in the State to sit as a circuit judge. Is there not any way of remedying that matter at an early date?

Mr. MOON of Pennsylvania. I hope it may be remedied, but we have not proposed any change of this kind.

Mr. MANN. The way you remedy it is to abolish district court judges.

Mr. MOON of Pennsylvania. We do not abolish any judge.

Mr. MANN. No; you do not abolish the individuals, but you abolish them as circuit court judges by that title and create a court of appeals of which they are the judges.

Mr. MOON of Pennsylvania. That is already created. We do not change the nomenclature of the judges.

Mr. MANN. I beg the gentleman's pardon. I think the gentleman will find that his bill does change the nomenclature and calls them judges of the court of appeals.

Mr. MOON of Pennsylvania. But we do not change the nomenclature.

Mr. MANN. I had a letter from the Attorney General this morning, and the gentleman from Pennsylvania is entirely familiar with it. The judge sitting in a circuit court of appeals gets $10 a day and traveling expenses; but if called upon to go to St. Louis or St. Paul or some other point under the railroad law to do something that must be done, he has to pay that expense out of his own pocket.

Mr. PARSONS. If the gentleman from Pennsylvania will allow me, I want to say that the title of the judges is not changed. Section 116 of this bill itself provides that they shall be circuit judges.

Mr. MOON of Pennsylvania. That is right; it does not affect that.

Now, Mr. Speaker, as I have said, under the act of 1869 all or practically all the work of the courts in the first instance is done by the district judges. Those of you familiar with the practice in the Federal courts have often seen a procedure which we seek to avoid. The district judge is sitting trying district business. In the course of the day the district calendar will be completed; no other case being ready for trial, the district court is adjourned. The judge, without leaving the bench, calls in another clerk, who brings in another docket, and, in many cases, another crier, and the crier proceeds to open the circuit court, and the district judge, without changing his seat, proceeds to dispose of the circuit court docket. In 276 places in this country are maintained the paraphernalia of a circuit court while nearly the entire business is transacted by the district judge.

Mr. MADDEN. Will the gentleman permit a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. MADDEN. Would the proposition that the committee recommends take the circuit judges out of the circuit court work and confine their efforts to the work of the appellate bench? And if it did, would not that necessitate the appointment of a lot of new district judges?

Mr. MOON of Pennsylvania. I have just explained the fact that it will not require the appointment of a single additional judge.

Mr. MADDEN. If you take the circuit judges away from their original work would not that original work have to be done?

Mr. MOON of Pennsylvania. My back was turned to the gentleman, and he did not hear what I said. I explained that in the first place 80 per cent of all that work is now done by the district judges, and that we have a provision that whenever, in any district, the work accumulates the Supreme Court Justice assigned to that circuit, or the circuit court judge senior in commission, may designate a circuit judge to sit in the district court and relieve the district judge. Therefore, the machinery is so complete that it does not require a single additional judge. We employ the energy and the time of the corps of judges existing in the United States just exactly as they are employed to-day.

Mr. MANN. Now, on that point, my understanding is that a good many of the circuit judges now take jurisdiction of causes involving large receiverships; I do not mean for the purposes of getting the receiverships, but——

Mr. MOON of Pennsylvania. Covering a broad area of territory.

Mr. MANN. Yes. Those cases involve a good deal of labor, require a good deal of time on the part of the judge. Of course, the work is usually done in chambers. As I understand this bill, that power would be taken away from the circuit judges.

Mr. MOON of Pennsylvania. I am glad the gentleman has asked that question, because it brings to my mind what I ought to have explained, the one exception in which an original jurisdiction is retained by the circuit judge. It is not an exception to the abolition of the circuit courts, but a case in which a circuit judge retains original jurisdiction. It is true that there has been in the past, may be in the present, and there doubtless will be in the future, litigation which involves the appointment of receiverships for roads that travel not only across one, two, three, or four districts, but States and circuits, and the question was raised as to how a district judge could handle a proposition of that kind by the appointment of a receiver in a judicial district.

Let me state, in the first place, that under the law a circuit judge sitting in a district can not make a decree that is territorially any broader than the district, except where there happens to be two districts in a State; that is, the territorial effect of the decree appointing a receiver by a circuit judge sitting in a district is in itself no broader than the district. They broaden it in this way, and very properly. A man seeking the appointment of a receiver will file with the circuit court judge in a particular district a bill for that purpose and will at the same time and place submit to the judge ancillary bills to be filed in the other districts of the circuit. The judge, when he makes the decree appointing the receiver, will forthwith send that bill and decree to the clerk of every circuit court in that circuit in which any property affected may lie, with an order directing that decree shall be entered. That is the way it is accomplished. Now, we seek to accomplish it practically in the same way. We realize the fact that it was impractical; it was unwise, at least, to permit a district judge, sitting in one circumscribed district, to appoint a receiver whose jurisdiction would be broader than the district and perhaps broader than the circuit. We have therefore provided by the bill that when an appointment of a receiver covering this extensive territorial area shall be made the judge in the first instance may make the appointment to preserve the property and maintain the status quo and then this must be confirmed by the circuit judge within 30 days. I will not go into details, as the gentleman from Illinois wanted to know chiefly the manner in which the committee have met the proposition, thereby securing to the circuit judge a supervision over that condition of affairs.

Mr. MANN. I want to meet both propositions, that and also the question as to whether it was desirable to utilize some of the time and effort of some of the circuit judges in handling these large cases that were handled mostly in chambers, instead of saying they could not do any of that work, but must confine their work to the circuit courts of appeals.

Mr. MOON of Pennsylvania. Well, I will say to the gentleman in answer to that that there were really two opinions in the committee. I talked a few days ago with one of our eminent judges, a man perhaps of as large experience in that particular line of work as any other in the country, and he suggested to me that we should still leave that jurisdiction directly with the circuit judges. Our plan is open to amendment upon the floor of the House, and I bespeak for that section and for the whole bill the most careful consideration of every Member of this House to help us perfect it. It was the joint judgment of our committee that the method proposed was effective and the best; but, as I say, it is open to amendment, and I will be very glad to have the gentleman's assistance.

Mr. MANN. I have no definite information on the subject.

Mr. STERLING. Could that be done and still abolish the circuit courts?

Mr. MOON of Pennsylvania. We take away the original jurisdiction of the circuit courts, but otherwise do not touch them.

Mr. STERLING. You do not abolish the judges, but you do abolish the circuit courts.

Mr. MOON of Pennsylvania. We do not assign any original jurisdiction to the circuit courts.

Mr. STERLING. They have no original jurisdiction at all, then?

Mr. MOON of Pennsylvania. We can give them any jurisdiction we choose.

Mr. STERLING. But you do not in this bill.

Mr. MOON of Pennsylvania. We do not give them original jurisdiction in the trial of causes, but if we want to retain original jurisdiction in the appointment of receivers, it is in the power of Congress to do it. There is nothing in our bill that denies jurisdiction; it is only that we do not confer it, but we have the power to confer it where we choose.

Mr. STERLING. They will not have any unless we confer it by law?

Mr. MOON of Pennsylvania. No.

Mr. STERLING. Would it be wise to preserve the circuit courts simply for the purpose of appointing and controlling receiverships?

Mr. MOON of Pennsylvania. We do not preserve the circuit courts, but we can give to the circuit judges that power in equity. The committee has not seen wise to do it, and I say that it is open to amendment and we want the best judgment of every Member of this House in its consideration, and we will take that up at the time it comes before us.

Mr. MANN. I want to ask the gentleman if the committee had a report on the number of cases decided by the various courts of appeal for any specified time?

Mr. MOON of Pennsylvania. No.

Mr. MANN. Showing how much business the different circuit courts of appeal had really transacted. Of course that goes into the question as to whether the judges' time was occupied fully.

Mr. PARSONS. The index of the annual report of the Attorney General each year gives that.

Mr. MANN. I understand that, but I ask whether the committee had anything of that kind before it.

Mr. MOON of Pennsylvania. We had that before us, and whenever we thought it necessary resorted to it.

Mr. MANN. Of course I do not want to bandy words with the gentleman and do not want to criticize the committee, but simply ask if you had anything on that subject that you want to present to the House?

Mr. MOON of Pennsylvania. The committee did consider it, but we had not made any special report on the subject.

Mr. MANN. How about these circuits where they have four judges?

Mr. MOON of Pennsylvania. If there is an idle judge, he should be assigned to district court work. He will be assigned to district court work, and the other three would be on the circuit court of appeals.

Mr. MANN. He can not be assigned to that work against his will.

Mr. MOON of Pennsylvania. We provide that he can not evade or escape that work.

Mr. MANN. He can evade service if he wants to, and most of them do it, sometimes. But did you make any provision as to that?

Mr. MOON of Pennsylvania. We could not do that.

Mr. MANN. Do you make any provision of that kind?

Mr. MOON of Pennsylvania. We do not.

Mr. MANN. But you continue the judges?

Mr. MOON of Pennsylvania. The gentleman can easily understand that they can be abundantly employed.

Mr. MANN. Well, I can not admit that. I think many of them are not abundantly employed now.

Mr. MOON of Pennsylvania. I will say this to the gentleman, that we had in contemplation that there should not be an idle circuit judge, but that he should be assigned to the work of a district judge. One of the judges wrote me, if confined to work in the appellate court, he would be occupied but half of his time, and urged the insertion of the provision assigning circuit court judges to work in the district court, which provision we have recommended.

Mr. COX of Indiana. He must be a patriot.

Mr. MOON of Pennsylvania. He is.

Mr. Speaker, there is one other feature of this bill that requires some explanation in these opening remarks. The great expansion of the Federal territory, the opening of new sections of the country, and the stupendous increase in our population has greatly increased the business of the Federal judiciary. The increased popularity of these courts and their growing adaptation to the commercial needs of the people has made it necessary for Congress from time to time to make new judicial districts, to subdivide these districts into what are known as divisions, and finally to designate a number of places in these divisions where the district and circuit court should be held. Laws of this kind are now passed at almost every session of Congress and have been for a number of years.

Your committee found upon an examination of the statutes that various provisions differing in character were found in these laws. Some of these provisions were already covered by existing general law upon the subject; others were not. In some instances the law creating the division or designating the place for holding court would provide where suits of a local nature should be brought; where processes should be served; where prosecution for crime should be instituted and how suits might be transferred from other divisions for prosecution. In certain other acts would be found provisions for the removal of civil cases from one division to another; prescribing the time and manner of removal; in others would be found special provisions for the disposal of pending civil and criminal cases in the event of the creation of a new division or a new place for holding court; in some acts would be found provisions preserving liens upon property acquired prior to the passage of the act; in other cases these special acts would in particular instances make special provision respecting the drawing of juries and various other matters incidental to local procedure. Your committee has eliminated all these special provisions, and has recommended a new section of law of general application covering all these subjects. The effect of these new provisions recommended by this bill will be to establish uniformity of practice throughout the country, and will make it entirely unnecessary for Congress in the future, when new divisions and new places for holding court are provided, to carry into the bill any of these details.

The general law provides for one clerk of the court in each judicial district. In eight of the 77 judicial districts embraced within the States special provision is made for more than one clerk. Each of these clerks is an independent clerk entitled to the maximum compensation allowed a single clerk of each of the 70 districts. In one of the districts of the State, for instance, there is a provision for six separate clerks, each of whom is entitled to receive out of the fees received a compensation of $3,500 a year, or six times the amount that would be retained by one clerk. In this same district the same man is clerk of the circuit and district court at five places, thus entitling him to a maximum compensation of $35,000 per annum if the fees collected should be sufficient to reach that sum.

Mr. MANN. How is that?

Mr. MOON of Pennsylvania. Because they are clerks of both the circuit and district courts, and they may receive their limit of $3,500 in each one of those capacities. And in addition to that I am informed there are a great many of the clerks that get a great deal in addition from the naturalization fees, which are not included in that limitation.

It seemed to your committee that no good reason existed why there should be more than one clerk in any of the districts of the United States. We have therefore made provision respecting clerk uniform and have provided for the proper transaction of business by a provision for the appointment of deputy clerks, wherever the same may be necessary, the necessity for these deputy clerks being left to the discretion and judgment of the judge of the district.

In some districts, however, where several divisions existed and where Congress after mature deliberation has deemed it necessary to provide for the residence of a clerk or marshal at a particular place in the division, we have carried that provision in this bill.

Mr. Speaker, I have occupied the attention of the House for a long time. I have set before you our recommendations for the improvement of our judicial system and I have given you my reasons therefor. Permit me, then, in conclusion, to recapitulate briefly: We seek to accomplish by this bill what the House tried to accomplish by the bill of April, 1890, and what all of our subsequent experience has demonstrated ought to have been accomplished at that time. We propose here to revise and codify the laws relating to the judiciary. In the creation of the Federal court we have omitted entirely the circuit court; we have conferred all of the original jurisdiction arising under the Constitution of the United States and the acts of Congress made pursuant thereto and all other jurisdiction cognizable in courts of first instance upon the district court; we have continued the circuit court of appeals as it now exists, as it was created by the act of 1891 and amended by subsequent acts of Congress, and left the jurisdiction of the Supreme Court unchanged.

The special courts recently created by the several acts of Congress—the Customs Court, the Commerce Court, and the previously existing Court of Claims, created by the act of 1855—are reported here without change. The organization, jurisdiction, and procedure in these courts are specially provided in the act of their creation and are reported by the committee as they so exist. But the courts of general jurisdiction, if this bill becomes law, will, I repeat, be one court of original jurisdiction, one intermediate court of appeal, and one supreme court of final jurisdiction. [Applause.] I ask to proceed with the reading of the bill.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 1. In each of the districts described in chapter 5 there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge; except that in the northern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the northern and southern districts of Ohio, the district of Oregon, the eastern and the western districts of Pennsylvania, and the western district of Washington, there shall be an additional judge in each, and in the southern district of New York three additional judges: *Provided*, That whenever a vacancy shall occur in the office of the dis-

trict judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further*, That the judge for the eastern district of South Carolina shall be the judge for the western district thereof; the judge for the eastern district of Tennessee shall be the judge for the middle district thereof; and the judge for the northern district of Mississippi shall be the judge for the southern district thereof. Every district judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Mr. MOON of Pennsylvania. Mr. Speaker, since the report on this bill Congress has created some additional district court judges, and therefore I ask to amend that section in accordance with the existing state of facts. I therefore send to the Clerk's desk this provision, embracing this amendment, and ask that it be substituted for the one proposed in the bill.

The Clerk read as follows:

SEC. 1. In each of the districts described in chapter 5, there shall be a court, called a district court, for which there shall be appointed one judge, to be called a district judge; except that in the northern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington there shall be additional judge in each, and in the southern district of New York three additional judges: *Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one judge in said district: *Provided further*, That the judge for the eastern district of South Carolina shall be the judge for the western district thereof, the judge for the eastern district of Tennessee shall be the judge for the middle district thereof, and the judge for the northern district of Mississippi shall be the judge for the southern district thereof. Each district judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Mr. MOON of Pennsylvania. Mr. Speaker, I call attention to the fact that "each district judge" should read "every district judge."

Mr. MANN. And the word "an" should be inserted before the words "additional judge." I suggest that the Clerk read that again.

The Clerk read as follows:

There shall be an additional judge in each, and in the southern district of New York three additional judges.

Mr. MOON of Pennsylvania. And the word "each" should be "every."

Mr. NORRIS. I should like to call the attention of the chairman of the committee to line 4 on page 3, where the word "district" was omitted in the amendment as read by the Clerk.

Mr. MOON of Pennsylvania. Yes; that is so.

Mr. STERLING. It seems to me that the language in the latter part would limit the appointment of the judge in Tennessee to the eastern district, and in Mississippi to the northern district, which I do not suppose is the purpose of the amendment.

Mr. MOON of Pennsylvania. Undoubtedly not.

Mr. STERLING. The amendment provides that—

The judge for the eastern district of Tennessee shall be the judge for the middle district thereof; and the judge for the northern district of Mississippi shall be the judge for the southern district thereof. Each judge shall reside in the district for which he is appointed.

It seems to me that would limit the appointment of judges in those States to the eastern district of one and the northern district of the other. It seems to me it would remove the doubt by saying:

Every district judge shall reside in the district for which he is appointed; but in case he serves in two districts, then in either district.

Mr. MOON of Pennsylvania. I have no objection to that. I think it is sufficiently clear that he is appointed for those districts, and if he lives in either of them he lives in the district for which he is appointed. There can, however be no objection to making it perfectly clear, and if the gentleman will send up his amendment, I certainly will accept it.

Mr. MANN. I call the attention of the gentleman from Pennsylvania to the suggestion made by the gentleman from Nebraska [Mr. NORRIS]. You create a district judge in each of these districts, and to make it more emphatic, you say—

And thereafter there shall be but one judge in said district.

You do not mean that, because there may be a circuit judge in the district.

Mr. NORRIS. Or there may be a supreme judge there.

Mr. MOON of Pennsylvania. The intention is that there shall be but one district judge in the district.

Mr. NORRIS. In the reading of the amendment the word "district" was omitted.

Mr. MOON of Pennsylvania. That is undoubtedly an error. The word "district" should be inserted in the amendment.

The SPEAKER pro tempore (Mr. OLMSTED). If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. MOON of Pennsylvania. The word "district" should be inserted at the point heretofore indicated. The gentleman from Illinois [Mr. STERLING] proposes an amendment which I do not think is necessary, but I shall not take time to oppose it.

Mr. GOLDFOGLE. I should like to ask the gentleman from Pennsylvania whether, when he asked unanimous consent of the House to have his bill considered in the House as in Committee of the Whole and to dispense with the reading of the printed bill, he did not say, in response to inquiries put by me, that there was to be no addition to the judiciary; that the number of judges was not to be increased; and that salaries were not to be increased; and that the jurisdiction was not to be changed from that conferred by existing law?

Mr. MOON of Pennsylvania. I said all that to the gentleman, and he evidently does not understand that this amendment is made necessary by action of Congress taken after this bill was reported at the last session.

Mr. GOLDFOGLE. Does not the amendment just read by the Clerk contain a provision contrary to the pledge that was made by the gentleman from Pennsylvania?

Mr. MOON of Pennsylvania. How utterly the gentleman from New York fails to understand the situation. I am a little astonished, too, because ordinarily he is extraordinarily acute. I am keeping my pledge to the House, as I keep every pledge. Since the report of this bill was made Congress has created four new judges, and therefore existing law carries four more judges than the report of the bill provides.

Mr. GOLDFOGLE. Does the gentleman from Pennsylvania mean to say to this House that since the last adjournment of Congress there were to be additional judges?

Mr. MOON of Pennsylvania. No; but since the report on this bill was filed.

Mr. GOLDFOGLE. Since the report was filed?

Mr. MOON of Pennsylvania. Yes; four new judges have been created, the bill providing for them has been signed by the President, and the judges are now in existence.

Mr. GOLDFOGLE. What I want to get at is whether the number of judges in any of the States or districts called for by this amendment exceeds the number provided for by existing law.

Mr. MOON of Pennsylvania. Absolutely none. We have not created, as I told the gentleman, a single new judge or a single new office of any kind.

Mr. GOLDFOGLE. And you do not by this amendment?

Mr. MOON of Pennsylvania. No; this is simply to bring it up to existing law.

The SPEAKER pro tempore. The Clerk will read the amendment offered by the gentleman from Illinois [Mr. STERLING].

The Clerk read as follows:

Insert after the word "appointed" in the last proviso of the amendment the following:

"Or in case his jurisdiction extends to more than one district then he may reside in either."

So that the last proviso will read:

"Every district judge shall reside in the district for which he is appointed, or, in case his jurisdiction extends to more than one district, then he may reside in either, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Mr. MANN. Mr. Speaker, I question very much whether that covers the difficulty suggested by my colleague from Illinois, because all his amendment does is to provide that if the judge is appointed, say from the eastern district of Tennessee, he may move over into the middle district and reside there. The point of the gentleman raised was that under the terms of this provision the appointment must be made from the eastern district of Tennessee. The provision is that the judge for the eastern district of Tennessee shall be a judge for the middle district thereof. That does not authorize the President to appoint a judge from the middle district of Tennessee at all, but it gives the judge authority to move over and reside in the middle district. It would not have anything to do with the appointment. I do not know as it makes any difference. Perhaps they have plenty of good material in the eastern district for judges.

Mr. STERLING. I followed the language of the bill. The bill does not say that the judge shall be appointed from any particular district; it simply provides that he shall reside in the district for which he is appointed.

Mr. MANN. It says that the judge for the eastern district of Tennessee—and there are other cases like it—shall be the judge for the middle district.

Mr. STERLING. Not that he shall be appointed from a particular district?

Mr. MANN. No; it says that there shall be a judge appointed for each district court; and when it says that there shall be a judge for the eastern district of Tennessee it follows apparently

that he is to be appointed from that district. I presume this fine hairsplitting will not affect the matter at all.

Mr. MOON of Pennsylvania. It is existing law, and we ought not to change it unless it lacks clearness.

Mr. MANN. Well, what are we here for?

Mr. MOON of Pennsylvania. To codify and revise the laws.

Mr. MANN. And the gentleman is codifying and revising the law for the purpose of changing it.

Mr. MOON of Pennsylvania. Only in one or two material points. I am not saying that we have not the right to do it.

Mr. MANN. The gentleman can hardly say when he brings a bill of this kind before the House that the House shall not change anything but what the committee has recommended, because the purpose of bringing it before the House is not to leave it to the committee but to take the judgment of the House. The gentleman has made a most drastic change in the law in regard to the circuit judges and the circuit court of appeals. Certainly, a minor amendment, as suggested by my colleague might well be considered if we are to consider the important matters in connection with it.

Mr. PARSONS. Mr. Speaker, may I suggest to the gentleman that if he wishes to change the language of the existing law and accomplish what he has in mind, then all of the language after the last proviso, the words "*Provided further*," should read as follows:

Provided further, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern district of Mississippi. Every district judge shall reside in the district or one of the districts for which he is appointed.

Mr. MANN. That would absolutely cover that.

Mr. PARSONS. That would accomplish the purpose, but the committee did not put it in that way because that changed existing law, and the committee thought the existing law was sufficiently clear.

Mr. MANN. I hope the gentleman will offer that amendment.

Mr. PARSONS. Then, as a substitute, Mr. Speaker, I offer that amendment, to amend, on page 3, lines 5 to 13, so that they will read as follows——

The SPEAKER pro tempore. The Chair will suggest to the gentleman from New York that one amendment to the amendment is already pending.

Mr. PARSONS. I offer this as a substitute.

Mr. BUTLER. Will the gentleman state the purpose of all this?

Mr. PARSONS. I will when I get an opportunity.

The SPEAKER pro tempore. The Chair will state that the Chair thinks the amendment suggested by the gentleman from New York would be in the third degree.

Mr. MANN. Then I suggest that the gentleman from Illinois [Mr. STERLING] withdraw his amendment.

Mr. STERLING. Mr. Speaker, I am not disposed to withdraw the amendment, because I do not think the amendment proposed reaches the point. It simply says that he shall reside in the district or one of the districts. It seems to me it is not necessary to limit his residing in two districts. He would not reside in two districts, and the only thing this amendment would amount to would be to prevent him from living in two districts. The amendment I offer simply provides that he can live in one or the other of the districts over which he has jurisdiction. It seems to me that it is the best amendment of the two.

Mr. PARSONS. I understood the gentleman wished to get at the point raised by the other gentleman from Illinois [Mr. MANN], namely, that in the section as it was he could be appointed only in the case of Tennessee from the eastern district, although he was also to have jurisdiction over the middle district.

Mr. STERLING. I think my amendment reaches that point better than does the gentleman's amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. STERLING].

The question was taken, and the amendment was rejected.

Mr. PEARRE rose.

The SPEAKER pro tempore. The gentleman from New York [Mr. PARSONS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the proposed amendment by striking out all after the words "*Provided further*," and inserting the following:

"That there shall be one judge for the western and eastern districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Mr. BUTLER. That does not do anything more than change the language. It does not increase the number of judges.

Mr. PARSONS. It does not increase the number of judges at all. It prevents any construction of language which would result in the increase of judges.

Mr. BUTLER. How many districts are there in Mississippi?

Mr. PARSONS. Two.

Mr. BUTLER. Why was it not written out at first that there shall be only one judge in Mississippi?

Mr. PARSONS. Because less printing was used by putting in the language which the committee first used.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question recurs on the amendment of the gentleman from Pennsylvania as amended.

The question was taken, and the amendment was agreed to.

Mr. PEARRE. Mr. Speaker, I desire to offer an amendment.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman from New York [Mr. PARSONS] a question. I understood the gentleman to state there should be one judge for certain districts in Tennessee and North Carolina, and in other States that there should be but one judge to the district.

Mr. PARSONS. That is not what the gentleman from New York stated.

Mr. UNDERWOOD. I wanted to understand whether his amendment interfered with this condition. In Alabama we have three judges—one for the southern district, one judge for the middle district, and one judge for the northern district. Now it requires part of the time of the judge of the middle district to help out in the work in the northern district of Alabama, on account of the way they have it divided up, and I want to know whether that amendment takes away from the northern district the services of the judge of the middle district.

Mr. MOON of Pennsylvania. Oh, no; there is an amendment for assigning judges from one district to another.

Mr. UNDERWOOD. I did not understand and was fearful the amendment might have that effect.

Mr. MANN. He would have to live in the district.

Mr. PEARRE. Mr. Speaker, I desire to offer this amendment, to strike out the following language on page 3:

Whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled.

And also to strike out the word "thereafter," so as to read:

Provided, That there shall be but one district judge in said district.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 1, after the word "then," strike out the remainder of the line, line 2, line 3, down to and including the word "thereafter," so as to read: "That there shall be but one district judge in said district."

Mr. MANN. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Was the amendment offered by the gentleman from Pennsylvania agreed to?

The SPEAKER pro tempore. It was.

Mr. MANN. Then it is impossible to amend it now.

Mr. KENDALL. The section has not been stricken out.

Mr. MANN. The section has been stricken out. The gentleman from Pennsylvania offered an amendment to strike out section 1 and insert, and that has been agreed to. I will not make the point of order on the gentleman, as far as that is concerned, just so we keep the record straight and do not get the clerks all mixed up.

The SPEAKER pro tempore. In strict parliamentary law the amendment offered by the gentleman from Maryland will not be in order, the amendment of the gentleman from Pennsylvania having been adopted.

Mr. PEARRE. I understand the gentleman from Illinois does not press the point of order.

Mr. MANN. I do not make the point of order. There is nothing to amend except by inserting. If the gentleman asks unanimous consent to reopen the question, I do not object.

Mr. PARSONS. Will the gentleman from Maryland state what is his object in offering the amendment?

The SPEAKER pro tempore. The Chair will state that the gentleman from Maryland was upon his feet offering an amendment before the vote was taken upon the amendment of the gentleman from Pennsylvania. The Chair asked if it was an amendment to the amendment offered by the gentleman from Pennsylvania and understood that it was not, but was to something to come later. The amendment now offered by the gentleman from Maryland seems to be an amendment to something

which has been stricken out of the bill by the adoption of the amendment of the gentleman from Pennsylvania.

Mr. PEARRE. I understood the amendment being discussed by the gentleman from Pennsylvania was in regard to the final proviso of that section.

Mr. MANN. Mr. Speaker, of course no one wants to take advantage of the gentleman from Maryland, and I ask unanimous consent to vacate the vote by which the amendment was agreed to.

The SPEAKER pro tempore. Is there objection? [After a pause.] The chair hears none.

Mr. PEARRE. Mr. Speaker, I think this provision is vicious and——

Mr. NORRIS. Mr. Speaker, so that we will get at the gentleman's amendment properly, I understand the gentleman is still offering an amendment referring to a line and page of the bill that has been stricken out or will be stricken out by the amendment of the gentleman from Pennsylvania——

Mr. PEARRE. The same identical language, the gentleman is informed——

Mr. NORRIS. The language is just the same, and he refers to it so that when the record was made up it would show on its face he was trying to amend something that was stricken out by an amendment.

The SPEAKER pro tempore. The Chair would suggest——

Mr. MANN. Let the amendment be reported.

The SPEAKER pro tempore. The Chair would suggest that the language proposed to be stricken out by the gentleman from Maryland is also in the amendment offered by the gentleman from Pennsylvania [Mr. MOON]. Therefore, if the gentleman from Maryland [Mr. PEARRE] would move to amend the amendment offered by the gentleman from Pennsylvania by striking out that language——

Mr. PEARRE. I so move, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Strike out of the proposed amendment the following language:
"Whenever a vacancy shall occur in the office of the district judge for the district of Maryland, for senior in commission, such vacancy shall not be filled, and thereafter"——

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Maryland to the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. That is not a complete amendment.

The SPEAKER pro tempore. The Clerk will report the complete amendment.

The Clerk read as follows:

Strike out the word "thereafter," so that it shall read:
"*Provided*, That there shall be but one district judge in the district of Maryland."

Mr. MANN. Mr. Speaker, I ask to have that reported again so that we can understand it.

The SPEAKER pro tempore. Without objection, the amendment will again be reported.

The Clerk read as follows:

Amend so that the proviso shall read:
"*Provided*, That there shall be but one district judge for the district of Maryland."

Mr. MANN. But what does it strike out? Let us have the amendment reported.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Strike out the proviso which reads:
"*Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and therefore there shall be but one district judge in said district."
And insert:
"*Provided*, That there shall be but one district judge in the said district of Maryland."

Mr. BUTLER. Will the gentleman permit me to ask him a question?

Mr. PEARRE. Of course.

Mr. BUTLER. It seems as though, if this language be adopted, you are legislating one of your judges out of office.

Mr. PEARRE. We are not legislating any judge out of office. It simply prevents the anticipated appointment of an additional judge. The situation, Mr. Speaker, is this: There is in the district of Maryland to-day a judge, and at the last session of Congress an additional judge was appointed, I may say, and I think this is no secret, by reason of the fact that the judge had become rather old, and the work had become burdensome to him, he desired some assistance. Therefore an additional judge was appointed.

Now, Mr. Speaker, this language simply anticipates the continuance of that judge, or prevents the necessity for the appointment later on. I think that is vicious in policy and principle. Why not wait until the vacancy occurs, and then let the appointment be made, instead of mortgaging the not now vacant judgeship of the senior judge? He is still alive and still performing his duties, even though somewhat superannuated.

Mr. MANN. May I ask the gentleman a question?

Mr. PEARRE. Certainly.

Mr. MANN. How is the gentleman's understanding of the language in the bill on this matter? Does it affect the district judges over there?

Mr. PEARRE. It does not affect the existing judges except to this extent. As the language reads, Mr. Chairman, it will be absolutely necessary to continue the present additional judge in office after the death of the judge now senior in commission, and I think it is vicious in principle and policy to anticipate a vacancy that way.

Mr. MANN. Would he not be continued in office anyway?

Mr. PEARRE. That would depend entirely on the judgment and pleasure of the Executive.

Mr. MANN. What control has the Executive as to whether he is continued in office or not?

Mr. PEARRE. It depends, I will say in reply to my friend from Illinois, upon the appointing power of the Executive and the approving power of the Senate. The language now used presupposes a vacancy when no vacancy exists, and which may not exist for a number of years—I trust a great many years—because the judge senior in commission has distinguished himself in the service as a judge and is of great service to the country. I do not believe it is wise in principle or policy to anticipate a vacancy and mortgage and fill it before it occurs.

Mr. MANN. I understand the gentleman's own amendment provides that there shall be but one judge in that district. That is the way it was reported from the Clerk's desk.

Mr. PEARRE. I should say to my friend that it is intended to limit the judge in that district to one in case of the death or retirement of the judge senior in commission. There are two judges now; one eligible to retirement and the additional judge provided for at the last session of Congress.

Mr. MANN. I do not think we are very far apart, if we can get at the meaning of the language. As I understand the gentleman from Maryland, when there is a vacancy he proposes that there should only be one judge.

Mr. PEARRE. That is right; it limits it to one judge.

Mr. MANN. Is not that exactly what the language is in the bill?

Mr. PEARRE. No; because the provision of the last two lines provides that—

Whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district.

You would therefore leave the official appointed, now the incumbent, without appointment.

Mr. MANN. Oh, I think the gentleman is in error. The last judge that was appointed over there, the additional judge, was appointed for life, as any other district judge was. There is but one way of getting him removed, and that is by impeachment.

Mr. PEARRE. There is no desire to remove anybody, Mr. Speaker.

Mr. MANN. Now, when a vacancy exists over there, or when the present senior judge resigns, or the office becomes vacant for any reason, there will be one judge over there still.

Mr. PEARRE. Yes.

Mr. MANN. That is what the bill provides?

Mr. PEARRE. For but one judge.

Mr. MANN. But for one judge.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question is now upon the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. Each of the district judges shall receive a salary of $6,000 a year, to be paid in monthly installments; and shall also receive reasonable expenses actually incurred for travel and attendance when designated or requested, in accordance with law, to hold court outside of his district, not to exceed $10 per day, to be paid on the written certificate of the judge; and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

Mr. BUTLER. That does not change existing law.

Mr. MOON of Pennsylvania. That does not change existing law. Of course everybody here knows of the contention that occurred in an impeachment case, as to the meaning of the statute, and this language has been carried in the appropriation bill ever since. We regarded that as legislation by Congress, and therefore carry those words.

Mr. STAFFORD. I would like to ask of the chairman of the committee whether the committee considered the advisability of extending to district judges the right to their expenses when they are holding court at places other than their residences. In many districts of the country they are required to hold court at other places. A district judge will hold court in different places in the district, and there is some complaint as to the effect of that. In Wisconsin the district judge residing at Milwaukee has to go and hold court in Oshkosh and Green Bay, and bear his own expenses while absent from home, while the clerk, the marshal, the crier, and all other officials of the court have their expenses paid.

We had here a few sessions ago an instance in the case of the district judge residing and holding court at Indianapolis. The district judge for the State of Indiana is supposed to hold court at various places in that State, but for some reason or other he declines to go to those various places and holds his court solely in Indianapolis. Now, is it not proper, where the Congress has ordered that a district judge shall hold court at various places in the district, that his expenses be paid when he is away from his residence, just as they are allowed for the other court officials?

Mr. MANN. How much are they allowed for the other court officials?

Mr. MOON of Pennsylvania. The clerk gets his expenses.

Mr. STAFFORD. The clerk and marshal get their expenses.

Mr. MANN. What is meant by "expenses?"

Mr. STAFFORD. Traveling expenses and hotel bills. Now, why should not the rule be applicable in the case of the district judge holding court outside of his home city, just as his expenses are paid when he holds court outside of his district? In some instances these district judges hold court at points within their own districts, several hundred miles from their homes, and they are obliged to remain there a week or more at a time.

Mr. MOON of Pennsylvania. There can be no objection to that. It is one of the crying evils of our system. I think there is a bill pending in the Judiciary Committee to cure that defect. This committee, however, did not feel justified in grappling with all those questions. We confined ourselves to recommendations previously made by Congress. Personally, I feel that what the gentleman from Wisconsin asks for ought to be done, and that it is a grievous outrage on the part of this Government to expect district judges year after year to go to new divisions which we are creating and pay their own expenses.

Mr. MANN. They are not obliged to go. Any one of them can resign, but few do.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: In line 19, strike out the words "outside of his district" and insert in lieu thereof "at other than his place of residence."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 19, page 3, strike out the words "outside of his district" and insert in lieu thereof "at other than his place of residence."

Mr. NORRIS. I should like to call the gentleman's attention to the fact that this amendment, as offered, would pay the expenses of a judge if he were holding court in his own city, unless he was holding it in the house where he lived. It seems to me the gentleman ought to modify the amendment so as to read, "the city or county of his residence."

Mr. MANN. Supposing it were outside of the city or the county. Supposing a man held court in Chicago and lived at Highland Park, as some do. Is that man to be allowed $10 a day because of the fact that he lives across the county line?

Mr. NORRIS. If he actually expended that much money, I suppose he would.

Mr. BUTLER. It is not contemplated to pay a judge's expenses under such circumstances.

Mr. MANN. The gentleman's amendment would pay him, and I am not sure but they have been paid under such circumstances.

Mr. BUTLER. I agree with the gentleman from Illinois. I believe the language employed by the gentleman from Wisconsin would entitle a man to compensation for traveling in and out from Highland Park to Chicago.

Mr. STAFFORD. I can hardly conceive of a judge of the United States court taking advantage of an amendment of that kind, to put in a claim for traveling or hotel expenses, if he returned each day to his residence, whether in an adjoining county or not. There is some merit in the point made by the gentleman from Nebraska that "place" is not sufficiently definite; and so I will ask unanimous consent to substitute for the word "place" the words "city and county," so that it will read "at other than the city and county of his residence."

The SPEAKER pro tempore. If there be no objection, the amendment will be considered as so modified.

Mr. STAFFORD. Now, Mr. Speaker, in the query propounded to the chairman of the committee I called attention to numerous instances where judges are deterred from visiting the places in the district which they are supposed to visit and hold court, just because they are obliged to pay their own traveling expenses and other incidental expenses while away from their homes. There was a case in Indiana, which was called to the attention of this House two sessions ago, where the district judge refused to go about the State holding court in five or six places where he was supposed to hold court, possibly on account of the attendant expense. It could not be expected that the district judge should go and hold court for any great length of time if not paid his actual expenses. This amendment only seeks to cover what the chairman of the committee admits is a grievous injustice.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. I shall be glad to.

Mr. MANN. Judge Drummond, who for many years was in the circuit court in Chicago, lived in Lake County. Judge Blodgett, for many years district judge of Chicago, lived in Lake County. Judge Grosscup, now a circuit judge, lives at Highland Park. Does the gentleman from Wisconsin mean to say that because a judge in one of these cities happens to live across the county line and goes in and out every day to hold court that he shall thereby be paid $3,000 more than a judge who lives in the town?

Mr. STAFFORD. That is not the purpose of the amendment.

Mr. MANN. I am not talking about the purpose of the amendment; I am talking about the effect of it.

Mr. BUTLER. The district judge in Philadelphia resides in my home town of West Chester, 30 miles away. He goes down every morning and comes back every evening. He does it at his own expense, and he has made no complaint. He might move to Philadelphia, but he reckons that in as a part of the consequence of his appointment. He has lived at one place always, and went in and out of the city where he held the court daily. He would not expect to receive any compensation in the way of mileage.

Mr. KENDALL. Does he live in the gentleman's town?

Mr. BUTLER. He does.

Mr. KENDALL. I think he is entitled to receive $10 more a day. [Laughter.]

Mr. BUTLER. I do not think I would vote for it on that account.

Mr. STAFFORD. Mr. Speaker, it is an exceptional case mentioned by the gentleman from Illinois [Mr. MANN]. To meet that objection, it could be limited by adding the words "and not less than 50 miles therefrom."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. STERLING. May I ask if this bill provides for divisions in all the districts? If a district has more than one place to hold court, is not that a separate division; and if that be so, would the gentleman's amendment be improved by putting in the word "division?"

Mr. MOON of Pennsylvania. Divisions are not created in this bill only where created by act of Congress. Some districts have none and some do. I want to call attention of this House to the fact that this is a practical illustration of the great difficulty of amending the law under these conditions. A bill to relieve this situation is pending now before the Judiciary Committee. I will ask the gentleman from Illinois if that is not a fact?

Mr. STERLING. It is.

Mr. MOON of Pennsylvania. That committee will go carefully into the matter and give it a thorough consideration, and all these provisions can be taken up, and when it comes before the House it will not be proposed in the shape in which it comes in the gentleman's amendment drawn under the impulse of the moment. Each new difficulty presented requires a new amendment, and therefore it is always inadvisable to attempt to amend a bill of this kind while legislating in this way. I would suggest to the gentleman that he press the bill now before the Judiciary Committee. I have declared myself absolutely in favor of it and have advocated it before the Judiciary Committee and on the floor of this House.

Mr. STAFFORD. I want to say to the gentleman that at a prior session I introduced a bill seeking to cover this matter and sought to press it before the Judiciary Committee, but the committee would not give consideration to it.

Mr. MOON of Pennsylvania. I am sure the committee will do it now.

Mr. BENNET of New York. Mr. Speaker, in opposition to the gentleman's amendment I desire to say that the bill referred to several times as before the Judiciary Committee is the one that I had the honor to introduce, and that it was drafted in the office of the Attorney General of the United States. It covers the several points which the gentleman has covered by his different amendments, and particularly the somewhat difficult question of residence. I have presented a bill before the Committee on the Judiciary, and have been gratified by numerous hearings before that committee, but so far have not been gratified by a report. I have been kindly and courteously treated, and now, as the gentleman is not only chairman of this committee, but a member of that Committee on the Judiciary also, if he will report the bill my cup of happiness will be full to overflowing.

Mr. MOON of Pennsylvania. Mr. Speaker, I am heartily in favor of it, and I think it is a serious outrage upon the judiciary of this country that they are obliged to pay those expenses.

Mr. BENNET of New York. It is my recollection that the gentleman is chairman of the subcommittee of the Committee on the Judiciary which has this bill in charge, and if he wants to stop a further perpetration of the outrage, he can call a meeting of his subcommittee and do it very quickly. [Laughter.]

Mr. MOON of Pennsylvania. Oh, the gentleman is mistaken about the fact that I am the chairman of that subcommittee.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. MANN. Mr. Speaker, I understood the gentleman from Wisconsin has modified his amendment where the judge lives not in the same city and county. I do not know how far his other modification went, but as read in that way it would allow a judge living in Brooklyn to be paid $10 a day for going over to New York and holding court in New York City.

Mr. STAFFORD. Mr. Speaker, in view of the statement made by the gentleman from New York and also the chairman of the committee, I ask unanimous consent to withdraw the amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Speaker, I desire to ask the gentleman from Pennsylvania [Mr. MOON] whether this committee considered the advisability of regulating the compensation and salary of the district judges, so that the judges, say, in the southern district of New York, where the State judges receive a salary of $17,500 a year, should have a larger salary than is paid the judges in a district where the work is much less and the expense of maintaining a home much less?

Mr. MOON of Pennsylvania. Mr. Speaker, in reply to that I desire to say that this committee did not feel itself justified in making any changes in judicial salaries. The gentleman perhaps knows that I have introduced a bill which is now before the Committee on the Judiciary, providing for an increase of salaries, but I did not think of urging it before this committee, which was to codify and revise the laws, and not to recommend new legislation.

Mr. GOLDFOGLE. The gentleman of course understands how difficult it is to get new legislation through the House, and when we are considering a revision of the laws, might we not provide for an increase of salary?

Mr. MANN. I will suggest to the gentleman that an amendment would be in order to increase the salary.

Mr. MOON of Pennsylvania. I trust the gentleman will not offer one.

Mr. GOLDFOGLE. If the gentleman from Illinois [Mr. MANN] will permit me to finish my sentence, I will be very thankful.

Mr. MANN. I never can prevent the gentleman from finishing his sentence, and I would not if I could.

The SPEAKER pro tempore. The Chair will state that this discussion is by unanimous consent, as there is no amendment pending.

Mr. MOON of Pennsylvania. It arose, I presume, on a query propounded to me by the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. I wanted to ask whether the gentleman from Pennsylvania would not think it proper at this time, when we are passing upon the salaries of the district judges, to take up an amendment for an increase of the salaries along the line of the bill introduced by the gentleman from Pennsylvania?

Mr. MOON of Pennsylvania. Mr. Speaker, in reply I would say absolutely no, for this reason, and I think the statement of it will carry conviction to the gentleman's mind: We are engaged in a work of revision. Now, if we are going to contend that every single section involved is open to amendment, we could file a report from the Committee on Revision and overthrow all or bring it before the House and have the House overthrow all the Federal law of the country.

For instance, we carry into this revision a newly created Commerce Court. The gentleman would not think this committee ought to report a change in the Commerce Court under the guise of a revision and codification. The gentleman will find this committee has confined itself exclusively within narrow lines, as it ought to. It does not recommend new legislation unless it embodies provisions that have before received the support of this House or of a committee of this House.

Mr. PARSONS. May I say to my colleague that as another member of this committee I have also introduced a bill for increasing the salaries of the judges, and my bill is directly in line with the suggestion of my colleague. It will give to the district judges in the large cities larger salaries than district judges in little districts. I hope that the Judiciary Committee will report either the bill of the chairman of this committee or my bill, but of course I could not urge it before my own committee, as that is legislation. What I suggest to my colleague from New York is to urge the Judiciary Committee to report one of these bills and to labor with the members of the committee on his own side of the House.

Mr. GOULDEN. I will be very glad to do so.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I will not undertake to say that I am in favor of increasing the salaries of judges. I would be very glad for some gentleman to offer an amendment on that subject and let us try out the House as to whether they are in favor of increasing the salaries of judges.

Mr. BUTLER. Mr. Speaker——

Mr. MANN. I see no reason——

Mr. BUTLER. My friend is in favor of increasing the salaries of judges?

Mr. MANN. To which friend does the gentleman refer?

Mr. BUTLER. The one who is standing; the only friend I have. [Laughter.]

Mr. MANN. I have never declared myself so, and I have always voted against them.

Mr. BUTLER. To those who are favorable toward increasing the salaries of judges, I suggest not to attempt it through this bill.

Mr. MANN. Why not?

Mr. BUTLER. In an entire calendar Wednesday we have passed 3 pages out of 203, and at this rate I see this bill's death during this session. Think of it, three pages!

Mr. MANN. The gentleman is mistaken. We have done very well. We commenced with this bill at half past 2 and closed general debate, but if we had the naval bill up reported by the gentleman we would have been three or four days on general debate without making any progress.

Mr. BUTLER. I never reported a naval bill. I never stood high enough in the House to report anything——

Mr. MANN. When the gentleman does, in the Sixty-third Congress.

Mr. BUTLER (continuing). Because others had places I thought I should have. [Laughter and applause.] Some gentlemen had all of the places. Hereafter they will be divided. [Applause.]

Mr. MANN. If the gentleman wants to increase salaries, this is a very good time to do it. The matter is before the House. The opportunity is offered to the gentleman, who thinks he can carry it through this House, to increase the salaries that have already been increased once in the last 10 years. If any gentleman of the House thinks he can put through a provision to increase the salaries of judges, let him try it now. The opportunity is here.

Mr. PARSONS. Mr. Speaker, a point of order.

Mr. FOSTER of Illinois. We are not complaining of the Judiciary Committee if they will not offer the amendment now.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. PARSONS. The point of order is that we have considered section 2 and the Clerk has reported and read section 3.

Mr. MANN. The gentleman is mistaken; he is always mistaken on a point of order. I doubt whether the gentleman would recognize a point of order.

Mr. PARSONS. Mr. Speaker, I insist upon my point of order.

The SPEAKER pro tempore. The Chair thinks some gentleman, the gentleman from New York, rose and addressed the Chair before the Clerk began the reading.

Mr. MANN. And I have a motion pending to strike out the last word of section 2.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MANN. No gentleman is willing to offer an amendment; then let us put in no more time at this session in talking about increasing the salaries of judges of United States courts.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask the gentleman from Pennsylvania a question, and that is, if it is his contention that nobody ought to offer an amendment to one of these sections? Is that the gentleman's position or not?

Mr. MOON of Pennsylvania. That is my position, except where we have recommended some change in the existing law.

Mr. CLARK of Missouri. If that is true, what is the sense in having this talk going on?

Mr. MOON of Pennsylvania. Because I think it ought not to be done does not prevent Congress from doing it. I can not control the House; if I could, I would proceed more rapidly. That is my conviction, and I think the gentleman would agree with me if he would listen to me.

Mr. CLARK of Missouri. I will agree that we have a right to change any of these sections in any way that we please.

Mr. MOON of Pennsylvania. You do not hear me raise any points of order, because a point of order would not apply. You have a perfect right to do it.

The Clerk read as follows:

SEC. 4. Except as otherwise specially provided by law, the clerk of the district court for each district may, with the approval of the district judge thereof, appoint such number of deputy clerks as may be deemed necessary by such judge, who may be designated to reside and maintain offices at such places of holding court as the judge may determine. Such deputies may be removed at the pleasure of the clerk appointing them, with the concurrence of the district judge. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the default or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable; and his executor or administrator shall have such remedy for any such default or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

Mr. BENNET of New York. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee what the purpose of that first line is in section 4. Is it to take care of some district where the method of appointment is different?

Mr. MOON of Pennsylvania. Yes. There are a few special places in which Congress has particularly provided that there shall be clerks appointed.

Mr. BENNET of New York. And those statutes have been passed since this statute was passed, and therefore it is necessary to put——

Mr. MOON of Pennsylvania. The committee felt there was sufficient reason for retaining those. There were different conditions existing in certain judicial districts, and the committee thought there were sufficient reasons to retain them, but in all other cases we provided by this general law. That is what that exception means.

Mr. COX of Indiana. Mr. Speaker, I want to call the attention of the chairman of the committee to the part of the language, in line 13, as to holding the bond of the clerk responsible for default made by the deputies, and so forth. Does not the gentleman feel that is very near the danger line of hardship? What is the purpose of putting it in?

Mr. MOON of Pennsylvania. It has been the existing law for so many years that we did not feel justified in changing it. It has always been the law.

Mr. COX of Indiana. Does not the gentleman feel that it ought to be changed?

Mr. MOON of Pennsylvania. The committee did not feel justified in making a drastic change of that kind, but we did this: Heretofore a clerk had very little to do with the appointment of a deputy. The judge made the appointment upon the recommendation of the clerk. We changed that, feeling, as the gentleman expressed it, that it was a hardship that the bond of a clerk should be held by the defalcation of a deputy; and we say, therefore, that the appointment shall be made by the judge upon the recommendation of the clerk, and that whenever a change occurs the clerk shall be consulted in the selection. We felt it was such a grave injustice to hold a man responsible for a man that he could not discharge and whom he could not originally appoint. Now, I have nothing to say against the injustice the gentleman has in his mind. I only say that it has been the law practically since 1789, and we modified it in that way instead of the other way.

Mr. COX of Indiana. Under this provision you could hold an original clerk's bond responsible under the statute of limitations?

Mr. MOON of Pennsylvania. Except when there was a provision in the bond itself. Of course, the primary object of this was to see that the Government got its money and never lost by defalcation, and the clerk ought to be responsible for the conduct of his deputy. I would ask the gentleman not to attempt to change it. It is old law. It has been in force, I think, possibly since the last century.

Mr. COX of Indiana. I have not much of a disposition to change it.

Mr. MOON of Pennsylvania. I agree with the gentleman that it looks like a drastic method. If we had the making of it to-day perhaps we would not make it.

Mr. MANN. Who can discharge the deputy clerk now?

Mr. MOON of Pennsylvania. It has got to be done with the concurrence of the court.

Mr. MANN. That is new language in here. It is printed in italics, and it says the language in italics is new.

Mr. MOON of Pennsylvania. That is true. It alters existing law in that respect.

Mr. MANN. Who can discharge the district clerk now?

Mr. MOON of Pennsylvania. Such deputies may be removed at the pleasure of the clerk appointing them, with the concurrence of the district judge. We do not leave with the court the absolute power. The deputy, of course, is an officer of the court, and he has to be appointed by the court, but we give to the clerk a much larger latitude than he previously had.

Mr. MANN. Do I understand the gentleman to say that a clerk who can appoint the deputies can not remove them, but that if they are to be removed they are to be removed by the judge?

Mr. MOON of Pennsylvania. That is the provision of the statute.

Mr. PARSONS. They are appointed by the court now.

Mr. MANN. If they are appointed by the court, why the wording is not correct. That is what I am calling attention to.

Mr. MOON of Pennsylvania. Section 558 of the existing law provides:

One or more deputies of any clerk of a district court may be appointed by the court, on the application of the clerk, and may be removed at the pleasure of the judges authorized to make the appointment.

Therefore the clerk has nothing to do with it.

Mr. MANN. Then there is an error in the print of this bill, where it reads in roman:

The clerk may, with the approval of the district judge thereof, appoint such number of deputy clerks as may be deemed necessary by such judge.

That seems to be an error, as it is in roman.

Mr. MOON of Pennsylvania. That is possible.

Mr. COX of Indiana. I want to ask the gentleman one more question. The gentleman has gone very exhaustively into all the law, and I want to ask if in all his researches he knows of any suit brought upon the part of any clerk for malfeasance in office by some deputy?

Mr. MOON of Pennsylvania. I do not think any cases were brought to our attention. All that was before us was that the Government gets every dollar that comes into the coffers of the clerk.

Mr. MANN. The gentleman will remember we had a bill of this kind up at the last session, extending this authority to deputy clerks of the court of appeals.

Mr. MOON of Pennsylvania. Yes; I remember it.

Mr. MANN. I believe it did not become law. I am not sure what disposition was made of it in the House. We had it up in the House, and it was based upon this old statute as to the circuit court clerk.

The Clerk read as follows:

SEC. 5. The district court for each district may appoint a crier for the court; and the marshals may appoint such number of persons, not exceeding five, as the judge may determine, to wait upon the grand and other juries, and for other necessary purposes.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask that the words "marshals," on page 4, line 20, be amended so as to read "marshal." The word "marshals" is a misprint.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 20, strike out "marshals" and insert "marshal."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 9. The district courts, as courts of admiralty and as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings preparatory to the hearing, upon their merits, of all causes pending therein. Any district judge may, upon reasonable notice to the parties, make, direct, and award, at chambers or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court.

Mr. WILSON of Pennsylvania. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

After the word "court," in line 4, page 6, insert the following:

"But no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

"That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other civil or criminal offense, or be punished or prosecuted, or damages recovered upon as such, unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual; nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definitions contained herein."

Mr. MOON of Pennsylvania. Mr. Speaker, I raise the point of order that that is not germane at all to this subject. It is absolutely out of line with this provision. There is in this bill a provision respecting the granting of injunctions, to which an amendment would be germane. It is not germane here. Therefore I raise the point of order that it is out of order, because it is not germane.

The SPEAKER pro tempore. Does the gentleman desire to be heard on the point of order?

Mr. WILSON of Pennsylvania. Mr. Speaker, I desire to be heard on the point of order. The amendment is perfectly germane to this section. Section 9 of the bill deals with pleadings before the court, and this amendment also deals with pleadings before the court, and therefore, in my judgment, it is entirely in order. It may be that it is entirely in order at some other place, but it is also in order here.

Mr. MOON of Pennsylvania. Oh, no; it is absolutely out of order here. This gentleman from Pennsylvania proposes an amendment that strikes at the very power of the court to do certain things. This section has only reference to the court always being open for the entry of pleas. There is also another section which refers to injunctions, to which it may be in order, but it is clearly out of order here. Section 2490 is the section respecting injunctions.

The SPEAKER pro tempore. Section 9, now under consideration, requires that "the district courts shall be deemed always open," and that orders, rules, and so forth, may be made "at chambers or in the clerk's office and in vacation as well as in term;" but the amendment offered seems to define what shall or shall not be deemed a conspiracy or other civil or criminal offense. It relates to an entirely different subject.

Mr. WILSON of Pennsylvania. If the Chair will permit me, I desire to call his attention to the language beginning in line 24, on page 5, which says:

Any district judge may, upon reasonable notice to the parties, make, direct, and award, at chambers or in the clerk's office, etc.

This section states that which the court may do. The amendment simply provides what the court shall not do. It is perfectly in order, in my judgment.

Mr. MOON of Pennsylvania. I call the attention of the Chair to the fact that that language which the gentleman quotes has reference to the fact that the court shall always be open. Now, it subsequently provides that if the court does not happen to be physically open, you may go to the judge's chambers with regard to the issuance of a process in equity. It has no reference to the subject of litigation, which we provide for in sections 249 and 250. This is only a general provision that courts of equity shall always be open to suitors.

The SPEAKER pro tempore. Section 9, now under discussion, does not determine the jurisdiction of the court, but simply relates to the time when and place where orders may be made. It provides that the district courts, as courts of admiralty and courts of equity, shall be deemed always open for the purpose of filing any pleading, and so forth, and that awards, orders, and rules may be made at chambers or in the clerk's office and in vacation as well as in term. It does not declare what orders the courts may make nor declare what things shall be deemed offenses against the law. It relates solely to the time when and place where the courts shall do certain things.

Now, the proposed amendment relates to an entirely different subject. The point of order is made that it is not germane to section 9. Paragraph 7 of Rule XVI says that—

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

That has been the rule of the House for more than a century—ever since 1789. In ruling upon the point of order the Chair is not permitted to consider the merits of the amendment, but simply whether it introduces a proposition different from that embraced in the section which it is proposed to amend. This amendment declares that no agreement of a certain kind—

shall constitute a conspiracy or other civil or criminal offense or be punished or prosecuted or damages recovered upon as such unless—

And so forth.

That is a different thing from requiring that the courts shall always be open and may make orders in vacation as well as in term. It introduces a new subject. No matter how meritorious that subject may be, if it is a different subject it can not under the rule be offered as an amendment to section 9. It may be, as has been intimated, in order in another part of the bill when that part shall be reached. The amendment defines what may or may not constitute a criminal or civil offense. It can not, under the rule, be admitted as an amendment to section 9, because there is nothing in section 9 on that subject. The Chair is therefore compelled to sustain the point of order.

The Clerk read as follows:

SEC. 10. District courts shall hold monthly adjournments of their regular terms, for the trial of criminal causes, when their business requires it to be done, in order to prevent undue expenses and delays in such cases.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. And I also ask unanimous consent for a reprint of the bill. There are no copies to be had in the document room.

The SPEAKER pro tempore. The gentleman from Pennsylvania also asks unanimous consent for a reprint of the bill H. R. 23377. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, reported back the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1742), ordered to be printed.

Mr. STEPHENS of Texas. I reserve all points of order on the bill.

ANNUAL REPORT OF THE ISTHMIAN CANAL COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, ordered to be printed and referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

I transmit herewith, pursuant to the requirements of chapter 1302 (32 Stats., p. 483), "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June 28, 1902, the annual report of the Isthmian Canal Commission for the fiscal year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1910.*

ALASKAN-YUKON-PACIFIC EXPOSITION.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying documents, referred to the Committee on Industrial Arts and Expositions.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the report of the United States Government Board of Managers of the Government participation in the Alaska-Yukon-Pacific Exposition, held at Seattle, Wash., June 1 to October 15, 1909, in-

clusive, and call the attention of the Congress to the recommendation of the board as to printing the report.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1910.*

JUVENILE COURT, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, was referred to the Committee on the District of Columbia:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the fourth annual report of the operations of the juvenile court in and for the District of Columbia for the fiscal year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1910.*

COMMITTEE ASSIGNMENTS.

The SPEAKER. The Chair announces the following committee assignments.

The Clerk read as follows:

Representative DAWSON to the Committee on Appropriations.
Representative MOREHEAD to the Committee on the Merchant Marine and Fisheries.
Representative MITCHELL to the Committee on the Judiciary.
Representative DUPRE to the Committee on the District of Columbia.
Representative MASSEY to the Committee on Claims and the Committee on Coinage, Weights, and Measures.
Representative LIVELY to the Committee on Coinage, Weights, and Measures and to the Committee on Levees and Improvements of the Mississippi River.

WITHDRAWAL OF PAPERS.

Mr. LIVINGSTON, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of George Killeen, Fifty-eighth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, Executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce and Labor, transmitting a statement of expenditures incurred under appropriation for regulating immigration during the year ended June 30, 1910 (H. Doc. No. 1101); to the Committee on Expenditures in the Department of Commerce and Labor and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting the communication of Joseph Curcio in relation to revenue and trusts (H. Doc. No. 1102); to the Committee on Ways and Means and ordered to be printed.

3. A letter from the Postmaster General, transmitting a report of the general finances of the department, balances due, accrued postage, engagements, liabilities, etc. (H. Doc. No. 1103); to the Committee on the Post Office and Post Roads and ordered to be printed.

4. A letter from the Secretary of War, transmitting papers on the claim of Fred Berg, jr. (H. Doc. No. 1104); to the Committee on Claims and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cocheco River, N. H. (H. Doc. No. 1106); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the secretary of the Immigration Commission, transmitting the final report of the commission (S. Doc. No. 680); to the Committee on Immigration and Naturalization and ordered to be printed.

7. A letter from the Secretary of the Interior, transmitting a copy of the report of the Maritime Canal Co., of Nicaragua (H. Doc. No. 1105); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

8. A letter from the Postmaster General, transmitting a report of action on claims of postmasters for reimbursement for losses from burglary, etc. (H. Doc. No. 1097); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

9. A letter from the president of the Board of Managers of National Home for Disabled Volunteer Soldiers, transmitting the report of the board for the fiscal year ended June 30, 1910 (H. Doc. No. 1078); to the Committees on Military Affairs and Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of deficiency appropriation for dry dock No. 4, New York Navy Yard (H. Doc. No. 1099); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting, with a copy of a letter from the Commissioners of the District of Columbia, a proposed provision of law for acceptance, by the District, of the night lodging house (H. Doc. No. 1100); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Attorney General, transmitting preliminary report of the financial condition of George Washington University (H. Doc. No. 1060); to the Committee on the District of Columbia and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting a statement as to persons employed in meat inspection, their salaries, etc. (H. Doc. No. 1081); to the Committee on Agriculture and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting a statement of sales of old material and other public property for the fiscal year ended June 30, 1910 (H. Doc. No. 1098); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 6741) authorizing the appointment of dental surgeons in the Navy, reported the same with amendment, accompanied by a report (No. 1740), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 27400) to repeal acts authorizing the enrollment and allotment of James F. Rowell, reported the same without amendment, accompanied by a report (No. 1741), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 27246) granting an increase of pension to Frederick Cooper, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARSONS: A bill (H. R. 28213) to repeal part of agricultural appropriation act of March 4, 1907, and part of the public-lands withdrawal act of June 25, 1910, relating to the creation of and additions to forest reserves in certain States; to the Committee on the Public Lands.

By Mr. CAMERON: A bill (H. R. 28214) providing for the levy of taxes by the taxing officers of the Territory of Arizona; to the Committee on the Territories.

By Mr. HUBBARD of West Virginia: A bill (H. R. 28215) to fix the time of holding the circuit and district courts for the northern district of West Virginia; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: A bill (H. R. 28216) to provide for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Steubenville, in said district; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: A bill (H. R. 28217) authorizing the Secretary of the Interior to designate an employee or employees of the Department of the Interior to sign the Secretary's name to tribal deeds executed according to law for any of the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

By Mr. MASSEY: A bill (H. R. 28218) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases; to the Committee on the Judiciary.

By Mr. WICKERSHAM (by request): A bill (H. R. 28219) regarding mining claims in the Territory of Alaska; to the Committee on the Territories.

By Mr. RAINEY: A bill (H. R. 28220) authorizing a survey of the Mississippi River between Calhoun Point and Mason Island; to the Committee on Rivers and Harbors.

By Mr. SULZER: A bill (H. R. 28221) to repeal the duty on meats and cattle; to the Committee on Ways and Means.

By Mr. HAMMOND: A bill (H. R. 28222) for the erection of a public building at Fairmont, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD: A bill (H. R. 28223) to establish 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TURNBULL: A bill (H. R. 28224) to provide for the purchase of a site and the erection of a public building thereon at Farmville, in the State of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 28225) relating to the appointment of receivers in certain cases; to the Committee on the Judiciary.

By Mr. OLCOTT: A bill (H. R. 28226) to amend section 608 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. PRAY: A bill (H. R. 28227) extending the time for certain homesteaders to establish residence upon their lands; to the Committee on the Public Lands.

By Mr. ANDREWS: A bill (H. R. 28429) providing for a site for a public building at Alamogordo, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 28430) providing for the construction of a public test well at Ingleville, N. Mex., in the Gramma Valley; to the Committee on Appropriations.

By Mr. McCALL: A bill (H. R. 28431) to add to the Gardiner Greene Hubbard collection of engravings; to the Committee on the Library.

By Mr. HOBSON: A bill (H. R. 28432) to prevent the sale of intoxicating liquors on board vessels and in navy yards and naval stations owned by the United States Government; to the Committee on Naval Affairs.

By Mr. LENROOT: A bill (H. R. 28433) to create a tariff commission and defining its powers and duties; to the Committee on Ways and Means.

By Mr. PARSONS: A resolution (H. Res. 867) requesting information from the Secretary of Agriculture relating to forest lands in certain States; to the Committee on the Public Lands.

By Mr. MONDELL: A joint resolution (H. J. Res. 243) extending the time for certain homesteaders to establish residence upon their lands; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 28228) granting an increase of pension to Mulford C. Carl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28229) granting an increase of pension to John Brookman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28230) granting an increase of pension to Otto Marlotzi; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28231) granting an increase of pension to Joseph Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28232) to remove the charge of desertion against D. B. Brown and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. ALEXANDER of Missouri: A bill (H. R. 28233) for the relief of William M. Critten; to the Committee on Military Affairs.

Also, a bill (H. R. 28234) for the relief of James B. Norman; to the Committee on Military Affairs.

By Mr. ANDERSON: A bill (H. R. 28235) granting an increase of pension to Alfred A. Magill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28236) granting an increase of pension to Michael O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28237) granting an increase of pension to James K. Polk Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28238) granting an increase of pension to David Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28239) granting an increase of pension to William S. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28240) granting an increase of pension to John Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28241) granting an increase of pension to Peter Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28242) granting an increase of pension to James M. Huff; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 28243) granting a pension to Ida L. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28244) granting a pension to Bashsheba Mook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28245) granting an increase of pension to Willis Dennis; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 28246) granting an increase of pension to Thomas J. Sheppard; to the Committee on Pensions.

Also, a bill (H. R. 28247) granting an increase of pension to Reuben Brunner; to the Committee on Pensions.

Also, a bill (H. R. 28248) to remove the charge of desertion from the military record of John Henry Dolchy, alias John Henry; to the Committee on Military Affairs.

By Mr. BARNHART: A bill (H. R. 28249) granting an increase of pension to Andrew J. Briant; to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 28250) for the relief of Parsey O. Burrough, surviving member of the firm of Henry S. Hannis & Co.; to the Committee on Claims.

By Mr. BURKE of Pennsylvania: A bill (H. R. 28251) granting an increase of pension to Heinrich F. Cimiotti; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28252) granting an increase of pension to Mathew Hyle; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 28253) granting an increase of pension to James B. Murray; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 28254) granting an increase of pension to Robert A. Cony; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 28255) granting an increase of pension to Edward Anthony; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 28256) granting an increase of pension to George R. Creveling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28257) granting an increase of pension to William F. Towers; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 28258) granting an increase of pension to Gideon B. Mahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28259) granting an increase of pension to Henry H. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28260) granting an increase of pension to Elsberry Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28261) granting an increase of pension to George A. Clevinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28262) granting a pension to George W. Burton; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 28263) granting an increase of pension to Eli Sloop; to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 28264) granting an increase of pension to James G. Miller; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 28265) granting an increase of pension to John Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28266) granting an increase of pension to Smith Redd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28267) granting an increase of pension to Andrew J. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28268) granting an increase of pension to Richard S. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28269) granting an increase of pension to Benjamin F. Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28270) granting an increase of pension to Mary Ann Bieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28271) granting an increase of pension to George W. Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28272) granting an increase of pension to Thomas H. Hyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28273) granting an increase of pension to Joshua M. Conn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28274) granting an increase of pension to Henry W. Rodenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28275) granting an increase of pension to Elisha Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28276) granting an increase of pension to John Miller; to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 28277) for the relief of the heirs at law of the late Bvt. Lieut. Col. George Thatcher Balch; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 28278) granting an increase of pension to Mordecai Gahagan; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 28279) for the relief of Fred Fares; to the Committee on Claims.

By Mr. FOSS of Illinois: A bill (H. R. 28280) granting an increase of pension to La Roy B. Church; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28281) granting a pension to Arve Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28282) granting a pension to John Count; to the Committee on Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 28283) to remove the charge of desertion from the record of John Thomas Cummings; to the Committee on Military Affairs.

Also, a bill (H. R. 28284) to remove the charge of desertion from the record of L. N. Mansfield; to the Committee on Military Affairs.

Also, a bill (H. R. 28285) granting a pension to Joseph W. Wightman; to the Committee on Pensions.

Also, a bill (H. R. 28286) granting an increase of pension to Daniel Van Syckel; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 28287) granting an increase of pension to Philander W. Copeland; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 28288) granting an increase of pension to George T. Welch; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 28289) granting a pension to Mary E. Palmer; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 28290) granting an increase of pension to Henry P. Selvert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28291) granting an increase of pension to James Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28292) granting an increase of pension to George H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28293) granting an increase of pension to Sarah Quinn; to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 28294) granting an increase of pension to Marion Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28295) granting an increase of pension to Leander L. Bunker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28296) granting an increase of pension to William L. Garratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28297) granting a pension to Sophia P. De Long; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 28298) granting an increase of pension to Merit D. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28299) granting an increase of pension to George F. Blood; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 28300) granting an increase of pension to James Frank Sanderson; to the Committee on Pensions.

Also, a bill (H. R. 28301) granting an increase of pension to Caleb O. Noble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28302) granting an increase of pension to Philip Briody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28303) granting an increase of pension to Henry A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28304) granting a pension to Minerva A. Kelley; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 28305) granting an increase of pension to Hardin B. Rhorer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28306) granting an increase of pension to George R. Ferguson; to the Committee on Pensions.

By Mr. HUBBARD of Iowa: A bill (H. R. 28307) granting an increase of pension to Henry Adler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28308) granting an increase of pension to D. Alonzo Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28309) granting an increase of pension to James Mahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28310) granting an increase of pension to Isaac N. Boomer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28311) granting an increase of pension to Donal McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28312) granting an increase of pension to James W. McKrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28313) granting an increase of pension to Thomas P. Treadwell; to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 28314) granting a pension to Bert W. Abbott; to the Committee on Pensions.

Also, a bill (H. R. 28315) granting an increase of pension to Francis White; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 28316) granting an increase of pension to Benjamin F. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28317) granting an increase of pension to George H. Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28318) granting a pension to Aylmer E. Hendryx; to the Committee on Pensions.

By Mr. LANGHAM: A bill (H. R. 28319) granting a pension to Sarah E. Walsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28320) granting a pension to Jane Barr; to the Committee on Invalid Pensions.

By Mr. LATTA: A bill (H. R. 28321) granting an increase of pension to Abraham D. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28322) granting an increase of pension to John Mullin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28323) granting an increase of pension to Albert Kinnear; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 28324) granting an increase of pension to John McNamara; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28325) granting an increase of pension to John M. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28326) granting an increase of pension to Daniel Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28327) granting a pension to Sarah M. Hewett; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 28328) granting an increase of pension to George W. Wetherell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28329) granting an increase of pension to Joseph Monrean; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 28330) granting an increase of pension to Isaac Creek; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 28331) granting a pension to Adley R. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28332) granting an increase of pension to William W. Coakley; to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 28333) granting an increase of pension to Cimon A. Wellman; to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 28334) granting a pension to Alfred Henry; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 28335) for the relief of Daniel Flick; to the Committee on Military Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 28336) granting an increase of pension to Martin V. Anderson; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 28337) granting an increase of pension to John F. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28338) granting an increase of pension to Michael Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28339) granting an increase of pension to Louis Boucha; to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 28340) granting an increase of pension to Henry C. Noyes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28341) granting an increase of pension to Brasier R. Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28342) granting an increase of pension to Joseph Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28343) granting an increase of pension to George C. Brownell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28344) granting an increase of pension to Charles W. Everson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28345) granting a pension to Eva A. Bradley; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 28346) to correct the military record of David Seiders; to the Committee on Military Affairs.

Also, a bill (H. R. 28347) to correct the military record of Moses B. Mellinger; to the Committee on Military Affairs.

Also, a bill (H. R. 28348) granting an increase of pension to William A. Moudy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28349) granting an increase of pension to William L. Maulfair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28350) granting an increase of pension to George W. Parthemore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28351) granting an increase of pension to William Gotshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28352) granting an increase of pension to Aaron Stitzell; to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 28353) granting a pension to John C. Imhof; to the Committee on Pensions.

Also, a bill (H. R. 28354) granting a pension to John Kennedy; to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 28355) granting an increase of pension to Walter H. Burnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28356) granting an increase of pension to Benjamin Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28357) granting an increase of pension to James M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28358) granting an increase of pension to George F. Stansbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28359) granting an increase of pension to Martin Vandine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28360) granting an increase of pension to Edward Vannetten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28361) granting an increase of pension to Joel Coon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28362) granting an increase of pension to Lyman H. Essex; to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 28363) granting an increase of pension to Joseph Dieffenbacher; to the Committee on Invalid Pensions.

By Mr. RANDELL of Texas: A bill (H. R. 28364) for the relief of W. J. Bilderbacker; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 28365) granting an increase of pension to Cicero Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28366) granting an increase of pension to John Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28367) granting an increase of pension to Reuben Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28368) granting an increase of pension to Samuel B. Beshore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28369) granting an increase of pension to James T. Riordan; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 28370) granting an increase of pension to James Kearney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28371) granting an increase of pension to W. L. Robson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28372) granting an increase of pension to William Putnam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28373) granting an increase of pension to Charles S. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28374) granting an increase of pension to Isaac A. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28375) granting an increase of pension to Gavin Longmuir; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28376) granting an increase of pension to Stephen Seeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28377) granting an increase of pension to Rodney S. Cathcart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28378) granting a pension to Mary Palmer; to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 28379) granting an increase of pension to George A. Porterfield; to the Committee on Pensions.

By Mr. SWASEY: A bill (H. R. 28380) granting an increase of pension to William L. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28381) granting an increase of pension to William W. Keene; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28382) granting an increase of pension to Samuel L. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28383) granting a pension to Julia A. Hammond; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 28384) for the relief of J. Will Morton; to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 28385) granting an increase of pension to Isaac M. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28386) granting an increase of pension to George K. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28387) granting an increase of pension to Rodney O. Hazen; to the Committee on Pensions.

Also, a bill (H. R. 28388) granting a pension to Sue May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28389) granting an increase of pension to Fred M. Weeks; to the Committee on Pensions.

Also, a bill (H. R. 28390) granting an increase of pension to H. Seword; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28391) granting an increase of pension to Archie E. Booth; to the Committee on Pensions.

Also, a bill (H. R. 28392) granting an increase of pension to Charles W. Read; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 28393) granting a pension to Linda F. Holmquist; to the Committee on Pensions.

Also, a bill (H. R. 28394) granting an increase of pension to Lewis Wright; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 28395) to correct the military record of Charles Bowen; to the Committee on Military Affairs.

By Mr. WICKERSHAM: A bill (H. R. 28396) granting an increase of pension to Lewis H. Soule; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 28397) granting an increase of pension to Frank Siddall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28398) granting an increase of pension to James Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28399) granting an increase of pension to John Mertes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28400) granting an increase of pension to William M. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28401) granting an increase of pension to Edwin H. Beardsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28402) granting an increase of pension to Alice J. Rank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28403) granting an increase of pension to John G. Sauers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28404) granting an increase of pension to Amos Diemer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28405) granting an increase of pension to Clark E. Calligan; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 28407) granting an increase of pension to Leroy Shakespeare; to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 28408) granting an increase of pension to Henry J. Molleston; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 28409) granting an increase of pension to Joseph L. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28410) granting an increase of pension to Enos R. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28411) granting an increase of pension to Jeannette Ballard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28412) granting an increase of pension to Christian B. Old; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28413) granting an increase of pension to James Hudgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28414) granting an increase of pension to David C. Barnard; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 28415) granting an increase of pension to Erastus W. Hanes; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 28416) granting an increase of pension to George Simpkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28417) granting an increase of pension to William H. Moeller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28418) granting an increase of pension to John Beazan; to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 28419) granting an increase of pension to Joseph B. Needham; to the Committee on Invalid Pensions.

Also, a bill. (H. R. 28420) granting a pension to Ellen Snow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28421) granting a pension to ——— Tillotson; to the Committee on Invalid Pensions.

By Mr. GARNER of Texas: A bill (H. R. 28422) granting an increase of pension to John W. Harris; to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 28423) granting an increase of pension to William D. Hammond; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 28424) granting an increase of pension to Isaac Zerbe; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 28425) granting an increase of pension to Leland P. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28426) granting an increase of pension to Frank Kirkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28427) granting an increase of pension to Henry F. Otis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28428) granting a pension to Mary Dowling; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Camp 107, Woodmen of the World, of Clyde, Ohio, for enactment of the Dodds bill (H. R. 2239); to the Committee on the Post Office and Post Roads.

Also, petition of Association of Army Nurses of the Civil War, of Philadelphia, urging passage of Senate bill 525; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Union Men's Meeting, Defiance, Ohio, for the Burkett-Sims bill, to forbid transmission of race-gambling odds and bets; to the Committee on the Judiciary.

Also, petition of Post No. 52, Grand Army of the Republic, of Hicksville, Ohio, for amendment of the age pension act; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of American Institute of Homeopathy, of Pasadena, Cal., against Owen, Mann, Creager, and other bills relating to the formation of a national bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of General Assembly of Knights of Labor, for a general revision of the tariff; to the Committee on Ways and Means.

By Mr. BOOHER: Paper to accompany bill for relief of John Glaback; to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: Petition of Order of the Knights of Labor, for immediate revision of the tariff; to the Committee on Ways and Means.

Also, petition of Veteran Volunteer Association of Kane County, Ill., for legislation in the interest of Civil War veterans; to the Committee on Invalid Pensions.

Also, petition of Massachusetts Civil Service Association, favoring extension of civil service to assistant postmasters and post-office clerks; to the Committee on the Post Office and Post Roads.

By Mr. BUTLER: Petition of Concord quarterly meeting of the Religious Society of Friends, for a children's bureau in the Interior Department; to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of Curfew (Pa.) Grange, No. 1052, for amendment of the oleomargarine law; to the Committee on Agriculture.

By Mr. DALZELL: Petitions of the First United Presbyterian Church, the Second Presbyterian Church, and the United Brethren Church, of Wilkinsburg, Pa., for the Burkett-Sims bill, relative to transmission of race-gambling odds and bets; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIDSON: Petition of Peter Schroder and a large number of other citizens of Two Rivers, Wis., favoring Senate bill 5677, to provide for retirement and relief of members of the United States Life-Saving Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Illinois: Petition of ex soldiers and sailors and citizens of Marion County, Ill., for pension bill granting not less than $30 per month; to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of A. W. Foote, of Middlebury, Vt., and Cornwall & Rutland County Telegraph & Telephone Co., against the Tou Velle bill, relative to Government-stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of Patrons of Husbandry, Antrim Grange, No. 1333, and Patrons of Husbandry, Lack Grange, No. 1094, of Franklin and Juniata Counties, favoring Senate bill 5842; to the Committee on Agriculture.

Also, papers to accompany bills for relief of Cornelius B. Ingles and Henry Reed; to the Committee on Invalid Pensions.

By Mr. FULLER: Paper to accompany bill for relief of Philander W. Copeland; to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of George T. Welch; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: Petition of Wilson-Snyder Manufacturing Co., against the Tou Velle bill relative to Government-stamped envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of American Institute of Homeopathy, against Owen, Mann, Creager, and other bills for a national health bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Papers to accompany bills for relief of James Frank Sanderson, Robert F. Tietz, Caleb O. Noble, Philip Briody, Minerva A. Kelley, Henry A. Smith, Thomas W. McClellan, and Everett I. Hills; to the Committee on Invalid Pensions.;

By Mr. HUBBARD of Iowa: Paper to accompany bill for relief of Thomas P. Treadwell; to the Committee on Invalid Pensions.

By Mr. LOUD: Papers to accompany bills for relief of William W. Cookley and Mrs. Adley E. Ford; to the Committee on Invalid Pensions.

By Mr. LOWDEN: Petition of many citizens of the thirteenth Illinois congressional district, against any parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McCREDIE: Petition of Spokane Chamber of Commerce, for a central bank of issue and discount; to the Committee on Banking and Currency.

By Mr. McMORRAN: Paper to accompany bill for relief of Alfred Henry; to the Committee on Invalid Pensions.

Also, petition of F. J. Schlegel Light & Power Co., Lapeer, and Hirshberg & Son, Pigeon, both in the State of Michigan, against the Tou Velle bill relative to Government stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Concord quarterly meeting of the Religious Society of Friends, for a children's bureau in the Department of the Interior; to the Committee on the Judiciary.

Also, petition of Frank T. Benjamin and the Leadite Co. (Inc.), of Philadelphia, Pa., against the Tou Velle bill, relative to Government-stamped envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of Crain Pump & Lumber Co., of Philadelphia, Pa., favoring San Francisco as place for holding Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. OLCOTT: Petition of Monroe County Civil War Veterans' Association, Rochester, N. Y., favoring equitable pension legislation; to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: Petition of State Council of Rhode Island, Junior Order United American Mechanics, favoring an increase of head tax on immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Rhode Island Society, Sons of the American Revolution, favoring publication of all the archives of the Government relating to the War of the Revolution; to the Committee on Printing.

Also, petition of Providence (R. I.) Pattern Makers' Association, favoring House bill 24651; to the Committee on Agriculture.

Also, petition of Narragansett Grange, No. 1, Patrons of Husbandry, of Wakefield, R. I., for Senate bill 4676; to the Committee on Agriculture.

By Mr. SPERRY: Petition of inmates of Fitch's Home for Soldiers, at Noroton, Conn., favoring the bill known as the Civil War volunteer officers' retired list; to the Committee on Military Affairs.

By Mr. TILSON: Petition of Chamber of Commerce of New Haven, Conn., indorsing House bill 22075, fixing compensation of Federal judges; to the Committee on the Judiciary.

Also, petition of William C. Atwood and others, for a volunteer officers' retired list; to the Committee on Military Affairs.

SENATE.

THURSDAY, *December 8, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

JOHN H. BANKHEAD, a Senator from the State of Alabama, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

ANNUAL REPORT OF THE SECRETARY OF THE TREASURY.

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1910 (H. Doc. No. 1001), which was referred to the Committee on Finance and ordered to be printed.

ANNUAL REPORT OF LIBRARIAN OF CONGRESS.

The VICE PRESIDENT laid before the Senate the annual report of the Librarian of Congress, together with the annual